Jus Populi Vindicatum:

OR, THE

PEOPLES divine RIGHT

To chuse their own PASTOR

Asserted, confirm'd and vindicated.

In a LETTER to a

Member of the ensuing General Assembly.

Wherein is shown,

I. That Heritors have no more Right to vote in the Calling of Gospel Ministers, than People of an inferior Rank.

II. That the Lord's People whether rich or poor, Church-Officers or not, have Christ's Warrand, a Right and Liberty from him, to elect their own Pastors.

By Mr John Currie, Kinglassie

Agricolæ non minus sunt membra ecclesiæ quam ipse dominus Villæ, & in Christo non est servus & liber, sed omnes sunt liberi. Si ab hac libertate nempe electionis excludendi sint, ab ipsa etiam ecclesia excludi possint, eo nomine quod coloni sint agricolæ aut servi.

Cald. Alt. Damas. p. 437.

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A Return to the Author's Letter.

Rev. and dear Brother,

I Return you very many Thanks, for taking the Overtures of the last Assembly into Consideration anent the Method of calling Ministers: I am fully satisfied your Labours in this Matter may (through the Lord's Blessing) do very good Service to the Interest of Christ, at this Juncture, were they exposed unto publick View. It refreshed me exceedingly to see so much Zeal tempered with a Spirit of Meekness, as runs through your Missive, especially in a Day when Indifferency, about the Royalties of the King of Zion, and the Rights of his Church and Kingdom, is so rife and prevalent. Your writing at such Length, and to such Purpose, in the space of a few Days, says plainly, you've had the Lord's Call unto, and his Countenance in the Work: In my humble Opinion (as you have cleared to a Demonstration from the Champions of the Presbyterian Cause) this of giving the decisive Vote to Heritors, and denying it to others of the Lord's People, is such a Piece of Partiality in sacred Things, as run cross to Scripture, Reason, and the known Principles of this and other reformed Churches. I hope the ensuing Venreable As-

sembly,

ſembly, as Keepers of the Lord's Vineyard, will take Care to aſſert and maintain the Rights and Privileges of Chriſt's Kingdom. And that he who is wonderful in Council, may inſpire his Servants with Zeal and Prudence in the Management of the Affairs of his Houſe, ſhall be the earneſt Prayer of

Reverend Sir,

Yours, &c.

THere is one Thing whereof ſome, into whoſe Hand this Letter may come, would be advertiſed, namely, that whereas here again and again you read of the Election of Biſhops, our Divines, by Biſhops, underſtand no more but Paſtors or Miniſters of the Goſpel; every Miniſter of Chriſt being a Biſhop, in the Scripture Senſe of the Word.

The Reader is deſired to help the following Typographical Errors with his Pen.

PAge 5. line 24. read ſo, *for* to. P. 19. l. 19. r. them unto *for* unto them. P. 20. l. 28. add *not* after Doubt. P. 22. l. 12. r. would for World. P. 22. l. 18. r. as fear the Lord, *for* four the Lord. P. 37. l. 14. the Colon there is to be put after Office-Power. P. 45. l. 15. r. excepted, for expected. P. 51. l. 5. r. Spurſtow, for Superſtow. P. 52. l. 30. r. Precedents, for Preſedents.

Through Inadvertancy, ſundry Places are in the Roman Character, which ſhould been in the *Italick*, and *vice verſa*, as page 5th, which ſhould mainly been in the *Italick* Character, being Mr. *Park*'s Words.

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In a LETTER to a

Member of the enſuing General Aſſembly.

My very dear Brother,

IN Compliance with your Deſire, at our laſt Meeting, I have been conſidering the Overtures, tranſmitted by the Aſſembly, bearing Date, *May* 21, 1719. anent the Planting of vacant Churches; And in my humble Opinion theſe Ovettures are very faulty giving too much by far to Heritors, and little, yea nothing to the Lord's

People in the Calling of Goſpel Miniſters: Give they not too much to Heritors, when they allow them a fair Negative over all the Elders and whole Congregation; which is evident from this, That by theſe Overtures, unleſs there be a Majority of Heritors, no Call is to be atteſted at the Moderation, nor can the Presbytery tho' a Radical Judicatory of Chriſt atteſt this Call. Give they not too much to Heritors, when upon the Matter they make them the ſole Callers; for by them the Elders Voice is no more but a bare Conſent or Diſſent, 'tis no deciſive Suffrage. For if there be a Majority of Heritors, the Call is to be atteſted, whether theſe Heritors reſide in the Pariſh or not; whether they be of our Communion or not; whether they are to be the Miniſter's Hearers or not. And if there be not a Majority of Heritors for the Call, the Presbytery muſt not proceed in it; tho' the whole Elderſhip, and every Soul in the Congregation were unanimouſly for the Settlement. Here the Heritor is *Dominus fac totum*, and the poor Elder is a meer *Cypher* in the Calling a Goſpel Miniſter. And by thoſe Overtures, the Lord's peculiar People, though a choſen Generation, they muſt not meddle in the Choice of Paſtors to feed and overſee their precious Souls. I ſhall not ſtand upon each of theſe, nor in enume-

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rating the other Particulars, wherein theſe Overtures are exceptionable. Here only I'll do two Things; *Firſt, I'll ſhow, That Heritors ought not to have a Suffrage in the Calling of Goſpel Miniſters more than others.* 2dly, *I'll ſhow, That the Lord's People have Right to call their own Paſtors; and that 'tis culpable to deprive them of this, however mean their outward Circumſtances may be.* And if I do theſe Two, you'll eaſily own the Overtures ſhould not be turned into ſtanding Acts. I begin with the firſt of theſe, *namely*, to ſhow, That Heritors ought not to have a Suffrage in the Calling of Goſpel Miniſters more than People of an inferiour Rank: And here, *Firſt*, I'll adduce a few Arguments confirming this. 2*dly*, Anſwer Objections. And for Arguments confirming this, to me 'tis evident;

Firſt, From this, That there is nothing in all the Scriptures of Truth, not a γρυ in all the Law and Teſtimony, to which we are to have our Recourſe, that gives the leaſt Countenance to Heritors voting in the Election of Paſtors more than others: Are not the Scriptures our Rule in this? if there be nothing in them directing who ſhall have the Election of Goſpel Miniſters, then out Worthies have beat the Air in writing againſt Patronages? And upon this Suppoſition it cannot be called *Anti-ſcriptural* for Patrons to

nominate and elect for whole Congregations.

The Reverend Mr. *Rutherfoord* in his *due Right of Presbyteries*, Page 465, when arguing againſt *Lay-patrons*, he pleads from this Topick, ſaying, *Every lawful Mean and Way of entring unto that Calling is warranted by a Word of Promiſe or Precept, or Practice; the Calling by the Patron's Conſent, hath neither Word of Promiſe, Precept or Practice in the Word, and ſtayeth not the Conſcience of the Man of God, that he did not run unſent*: And may we not ſay the ſame of Calls, which are given by Heritors, *namely*, That they are not lawful, nor can they ſtay the Conſcience of the Man of God, that he did not run unſent; ſeeing they have neither Word of Promiſe, Precept or Practice in the ſacred Sciptures: Hath not our great Lord and Lawgiver been Faithful in all his Houſe, directing who ſhall have the Privilege of calling Goſpel Miniſters? Is it not to accuſe him of Unfaithfulneſs to ſay his Laws give no Direction herein.

Mr. *Park* in his Treatiſe of the *Rights and Liberties of the Church*, ſpeaks excellently to this Purpoſe; as Page 82, where proving that the Patrons pretended Right of a Negative Intereſt in the Calling of Goſpel Miniſters is ſinful, and an unjuſt Uſurpation; He ſays, *This pretended Privilege is no Ordinance nor Inſtitution of our bleſſed Lord, there being no Ground from*

from Scripture, either by Promiſe, Precept or Example for inveſting any ſingle Perſon. And I may add nor for inveſting Heritors more than others, *with ſuch a Privilege, as the looking out*, Nomination and Election of the Miniſters of the Goſpel, the principal Office-bearers of the Church of Chriſt. And for any Man or Angel to give or aſſume ſuch a Privilege, where our bleſſed Lord, the Church's only King and Lawgiver, hath not given it, is a moſt ſinful Uſurpation over his Crown and Dignity, and a bold Invaſion upon the Rights of his dearly purchaſed Spouſe.——And if thoſe Prieſts who married the Daughters of *Barzillai* were juſtly counted as polluted, and were removed from the Exerciſe of their Office, tho' lawful in it ſelf, becauſe they could not inſtruct their Deſcent from the Record of Genealogies; and their Removal ratified by the Sentence of the *Tirſhatha* or Governour; and they diſcharged to eat of the moſt holy Things, till a Prieſt with *Urim* and *Thummim* ſhould ſtand up, and clearly declare God's Mind in the Caſe, and to ſupply the Defect of theſe Records: Then ſurely, and with a great Deal of more Reaſon ought the Chriſtian Magiſtrate to remove ſuch an unwarrantable Inſtitution as this of Patronage. And I may ſay ought the Chriſtian and covenanted Church of *Scotland*, to re-

move and guard againſt ſuch an unwarrantable Inſtitution, *till their Right to meddle in the Affairs of the Church be clearly inſtructed from the divine Records of the Scripture, which I am ſure will never be done: And this is a Ground that will be oppoſed by none, who own the Scriptures of God to be the perfect Rule and Square by which the Government of the Church is to be regulate; and that our Lord Jeſus Chriſt, who is the great and wonderful Counſellour, and the Father's Wiſdom, was faithful in all his Father's Houſe: For as the arrogating,* and I may add, as the giving *of ſuch a Privilege without Warrant from the Word of God, is moſt derogatory unto, a high and injurious Reflection upon the infinite Love, Wiſdom and Faithfulneſs of our bleſſed Lord; and directly implies, That he hath not ſufficiently provided his Church with a compleat Method for furniſhing, and Election of her own Office-bearers, without calling in the weak and ſuperſtitious Devices of Mens Invention to her Aſſiſtance; ſo ſuch as dare offer to rectifie his Inſtitutions as defective, or to call in Queſtion our Lord's Wiſdom and Faithfulneſs in this, may go a great Length to queſtion his Ability to ſave.*

2*dly*, As there is nothing in all the ſacred Oracles that countenanceth this; ſo I think the Scripture plainly condemns the granting Heritors ſuch a Privilege more than others; as *Jam.* ii. 1, 2, 3, 4. *My Brethren ſays the Apoſtle,*

Apoſtle, Have not the Faith of our Lord Jeſus Chriſt, the Lord of Glory, with Reſpect of Perſons: For if there come into your Aſſembly, a Man with a Gold-ring in goodly Apparel, and there come in alſo a poor Man in vile Raiment, and ye have Reſpect to him that weareth the gay Clothing, and ſay unto him, Sit thou here in a good Place; and ſay to the Poor, Stand thou there, or ſit here under my Foot-ſtool; are ye not then partial in your ſelves, and are become Judges of evil Thoughts? No Doubt, civil Reſpect is due to Men according to their Birth, Wealth, Place and Station in the World; This is what the Apoſtle is far from condemning: This is indepenſible Duty. We are commanded to render Honour to whom Honour is due. Religion is no Enemy to Civility; nor is Chriſtianity an Adverſary to Courteſy; whatever deluded *Quakers* talk to the Contrary. That which the Apoſtle *James* condemns, is the reſpecting of Perſons in ſpiritual Privileges upon the Account of Wealth, or Things which are extrinſical to Religion. The Continuator of *Pool's Annotations* on that Epiſtle, when commenting upon the 1ſt Verſe, ſays, *To have the Faith of our Lord Jeſus Chriſt with Reſpect of Perſons is to eſteem the Profeſſors of Religion not for their Faith or Relation to Chriſt, but according to their worldly Condition, there being Great or Mean, Rich or Poor: And*

this (says he) *the Apostle taxeth in those to whom he wrote: That whereas, in the Things of God, all Believers are equal, they respected the greater and richer Sort of Professors, because Great or Rich; so as to despise those that were Poor and Low: And* (says he) *the Text condemns the respecting of Men in the Things of Religion, upon such Accounts as are extrinsical to Religion, or with Prejudice to others, who are as considerable in Religion as themselves, tho' inferiour to them in the World.* And by their Assemblies spoken of in the 2d Verse, in which they shewed Respect to the Rich more than the Poor; He says, *Either their Assemblies for religious Worship, or their Assemblies for disposing of Church Offices, and deciding Church Controversies, may be meant.* Mr. *Burkit* commenting upon these Verses, says, *That which the Apostle condemns, is our respecting of Persons in religious Matters: In the Things of God all are equal, the Rich and Poor stand upon the same Terms of Advantage*; And adds he, *external Relations and Differences, they bear no Weight at the Gospel Beam.* And that judicious Commentator Mr. *Caryl*, having cited these Verses in the 2d Volume of his Commentaries upon *Job*, Page 1122 Folio Eddition, he says, *In administering the Things of God which are Spiritual we must observe no Distinction among Men; Christ hath given alike and equally to Rich and Poor, to Bond and Free*;

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and therefore, as to Church Privileges and Enjoyments, all muſt be alike and equal to us; No Man is to be known after the Fleſh in the Things of the Spirit; No Man is to be valued meerly upon natural or worldly Accounts; If we do then, (ſays he) *as the Apoſtle* James *concludes in the laſt Place mentioned, are we not partial in our ſelves? that is, as ſome alſo tranſlate that reproving Queſtion, Have we not made a Difference, a groundleſs Difference, or a Difference grounded upon carnal Reſpects, rather than upon any ſolid Reaſon; and are become Judges of evil Thoughts? that is, have made our Judgment of theſe Perſons according to the Dictates of our own evil and corrupt Thoughts, not according to the Rule of the Word.* Now according to theſe Commentators, the Apoſtle condemns the reſpecting of Perſons in the Matters of God, in the Things of Religion, and in ſpiritual Privileges, becauſe of their Wealth and Things that are extrinſical to Religion; and if he condemn the making a Difference in theſe upon worldly Accounts, then ſurely he condemns the giving Heritors a Suffrage in the Election of Miniſters *qua Heritors*, or becauſe of their Wealth. For the Calling a Miniſter, is ſurely a ſpiritual Privilege; and this I think none can deny. Its a ſpiritual, Chriſtian, and Eccleſiaſtical Privilege, to which the Rich and Poor have equal Right. So much is aſſerted by the Reverend Mr. *Alex-*

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ander Lauder in his Treatiſe againſt *Chillingworth* and others, Page 375, where he writes, *In a Corporation or City, Perſons act or vote not as they are rich, but as they are Burgeſſes: The meaneſt Burgeſs has his Suffrage or Elective Voice in the Choice of the Mayor, and the richeſt Burgeſs can pretend to no more. In like Manner, Perſons give their Suffrages in the Election of Biſhops or Paſtors; not as they are rich, but as they are Chriſtians; not as they are Lords, Barons, Heritors,* &c. *but as they are faithful in Chriſt, and have a Right to Chriſtian and Eccleſiaſtical Privileges: Wherefore the pooreſt Servant, Weaver or Cobler, has his elective Voice in the Creation of a Biſhop; And the greateſt Lord or Baron can pretend to no more. The meaneſt Tradeſman belongs to the peculiar People. The Royal Prieſthood are Kings and Prieſts to God and to Chriſt, having as full a Right to ſit down at the Table of the Lord, or to demand Baptiſm to their Children, as the greateſt Princes or Nobles: And therefore have as good a Right as they to give their Voices in the Election of Biſhops. Thoſe then* (ſays he) *who object that our Paſtors are elected or called by Weavers, Shoe-makers,* &c. *they ſpeak profanely and ignorantly.* And *further*, which is condemned in Scripture, this looks very like a *Lording it over God's Inheritance*, for Miniſters of the Goſpel to give the deciſive Suffrage to Lords and

and Lairds, depriving his People of their ſpiritual Privilege, becauſe they have not earthly Heritages. Under the Law when *Iſrael* was numbred, the poor Beggar was to give as much as the King, namely, the Half Shekel of Atonement Money, which was the Offering of the Lord; this we ſee *Exod.* xxx. 15. *Where its ſaid the Rich ſhall not give more, and the Poor ſhall not give leſs than half a Shekel.* This ſhows, that Rich and Poor are equally dear to that God, who is no Reſpecter of of Perſons, and that their Souls are of the ſame Value, redeemed at the ſame Price, having equal Right to the ſame ſpiritual Privileges.

3*dly*, This of allowing Heritors the deciſive Suffrage in the calling of Paſtors, is contrair the Practice of the Church of *Scotland*, in all preceeding Times: And no former Act of Aſſembly can be adduced allowing them ſuch a Privilege. It's true there was a Law made in the ſecond Seſſion of King *William* and Queen *Mary*'s firſt Parliament, by which, in Caſe of a Vacancy, Heritors in Conjunction with Elders were allowed to name and propoſe the Perſon to the whole Congregation, to be either approven or diſapproven by them; but that was no eccleſiaſtical but a civil Law; not an Act of Aſſembly, but an Act of Parliament; a Law made by the State, and not by the Church.

4*thly*,

4*thly*, This of allowing Heritors a deciſive Suffrage, *qua* Heritors, is contrair the Sentiments of all Presbyterians, for ought I know or can learn, that ever wrote upon the Subject of calling Miniſters: Indeed Mr. *Gilleſpy*, in his Treatiſe of *the Election of Paſtors, with the Congregations conſent*, He is for conſulting and deliberating with the ableſt and wiſeſt Men of the Congregation, eſpecially Magiſtrates, with whoſe eſpecial Advice, Privity, and Deliberation, he ſays, the Matter ought to be managed. But he hath never a word nor *innuendo*, that favours the giving Heritors, the deciſive Suffrage more than others; his being for conſulting, and deliberating with the ableſt and wiſeſt Men in Congregation, Magiſtrates eſpecially, will never prove ſo much. For if a Gentleman, or Perſon of Quality, were to chuſe a Governour to his Children, he would readily conſult with Men of Learning, and may be cauſe them take Trial of their Qualifications for educating his Children, yet all this would not hinder the Power of elcting ſuch a Governour to be ſtill in the Gentleman or Perſon of Quality himſelf. Doctor *Rule* in his *rational Defence of Non-conformity*, as there he writs at ſome length of the Peoples Right to call their own Paſtors, ſo in the 106 Page. He ſays, *the People, and neither the Patron nor any other, by*

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the Laws of the Goſpel, have the Right of electing their Paſtors. Now if by the Laws of the Goſpel, neither the Patron, nor any other, have the Right of electing Paſtors, then ſurely Heritors are fairly cut off from having Right to this more than others. And Mr. *Lawder* in the abovementioned Treatiſe, in my humble Opinion, he makes it evident to a Demonſtration, that its Antiſcriptural to allow Heritors, as Heritors, a deciſive Suffrage in the calling Miniſters. In the 374 Page, having aſſerted that God called *Matthias* to the Work of the Goſpel, partly in a mediate Way, by the Suffrages of the People, and by their caſting of Lots, He expreſſeth himſelf thus, *If it be enquired why Chriſt called* Matthias *after this Manner, and not in a Way altogether immediate, as he called* Paul *and the reſt of the Apoſtles.* He anſwers, *Our Lord did it.* 1ſt, *That none might preſume to quarrel mediate Calls, ſeeing one was called to the Apoſtolical Office that way.* 2dly, *He did it, to let us ſee who they are that have Power or Right to give lawful Calls to Miniſters of the Goſpel, who are the Succeſſors of the Apoſtles, even the Church and Spouſe of Jeſus Chriſt. Wherefore thoſe Calls which come from another Airth, (to wit, than from the Church and Spouſe of Jeſus Chriſt) they are againſt the Mind and Inſtitution of our Lord, are not lawful and Goſpel Calls; and the bleſſing of God cannot reaſonably*

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be expected upon the Miniſtry of ſuch Perſons, who enter not by the Door into the Sheepfold, but climb up ſome other Way. The Church of *Scotland*, in the firſt Book of Diſcipline ſixth Head, complained of Patronages, *that by them the papiſtical Tyranny was only changed into that of the Lord and Laird.* And I am ſure, ſhould this Overture take place, the patronical Tyranny, or Tyranny of Patrons, would only be changed into that of Lords and Lairds, and there is little Difference between the ſingular and plural Number here.

Fifth *Argument*, This of giving Heritors a Vote in the Calling of Miniſters, more than others, is an Uſurpation upon the Right and Priviledges of the Church of Chriſt, a bringing the Lord's People under a ſpiritual Vaſſalage, which is the moſt unſupportable of all others; giving Heritors a Power in ſome Meaſure over the Souls of the Lord's People; as civil Vaſſalage, gives them Power over their Bodies. The Apoſtle exhorts the Brethren of the Lord *to ſtand faſt in the Liberty, wherewith Chriſt hath made them free. Rutherfoord* in his 102 Letter, which is to one *John Henderſon*, he ſays *a hirling Paſtor is to be thruſt in upon you, ſtand to your Liberties; for the Word of God allows you a Vote in chuſing your Paſtor*; ſhall we ſtand up for Liberty and Property in Things civil, and not in Things ſpiritual; ſhall the Concerns

Concerns of Time be dearer to us, than the Things of eternal Moment. And as one ſpeaking againſt the Patronage Act, when under the Parliament's Conſideration, in the 1712; *has not* ſays he, *the exorbitant Uſurpation of Superiors, and Land-lords over Mens Bodies and Goods been loudly complained of, and will they now pretend to extend their Superiorities over the Peoples Souls too, in Matters of a ſpiritual Concern.* *Park* in his Treatiſe of the Rights and Liberty of the Church *Page* 86 ſays excellently well, *As Uſurpations in all Societies are deſervedly very odious, ſo a* fortiori *in the Church of the living God, the moſt truly free Society on Earth, whoſe Priviledges and Liberties are purchaſed at no lower Rate, than the moſt precious Blood of the immaculate Lamb, and eternal Son of God, they muſt be much more deteſtible, ſure I am, if the moſt eminent and judicious Congregation in the Land ſhould claim ſuch a Priviledge in Reference to the Choice and Maintenance of the meaneſt Servant in the Patron's Family,* and I may ſay in this, or the other Heritor's Family; *he would with a great deal of Reaſon look upon it as a moſt intolerable Uſurpation and Oppreſſion.* And ſhall the Keepers of the Vineyard's Priviledges give up with her dearly purchaſed Liberties, God forbid! As Principal *Rule* ſays of Patronages, *That they are an oppreſſing of People in their ſpiritual Rights, and in that which concern-*

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ceth their Souls, being a greater Bondage, than if the whole Pariſh were obliged to eat nothing, but what the Patron pleaſeth. So I think this is a greater and more unreaſonable Bondage, than if the whole Pariſh were obliged to eat nothing, drink nothing, wear nothing, yea and match with none, but as the Heritors pleaſed.

6thly, That Heritors ſhould have the deciſive Suffrage more than others, in my Opinion, is contrair to ſound Reaſon, which ſays, that Rich and Poor ſhould have one equal Vote in the Calling of Miniſters, being equally concerned in the Perſon choſen. And to me, its as much contrary to the Light of Reaſon, that a few Heritors ſhould have the choice of a Paſtor to a whole Congregation, as they would have, ſhould the Aſſembly's Overture be turn'd into an Act, as to ſay, that a few rich Burgeſſes ſhould have the ſole Power to elect the Provoſt of a City; or to ſay that four or five toping Gentlemen of the largeſt Eſtates ſhould have the choice of the Repreſentative in Parliament for the whole Shire; or to ſay, that four or five of the wealthieſt Princes, or Perſons of Quality, ſhould be inveſted with the ſole Power to elect a Sovereign to the Nation, in Caſe the Throne be vacant; or to ſay, the Heritors of a Pariſh, ſhould have the choice of Yoke-Fellows to the whole Congregation.

gregation. *Abſurdum eſt*, ſays Mr. *Calderwood* Page 437 of his *Altare dameſcenum*. *It is an abſurd Thing, that a Patrou who is one, and but one Member of the Church, that he ſhould claim the Power of the whole Multitude*, to wit, in the calling of a Goſpel Miniſter; and what leſs an Abſurdity is it, that a few Heritors may be not above two or three, for that's the moſt in ſundry Pariſhes, that they ſhould have the Power of calling a Miniſter to a whole Congregation.

7*thly*, An Argument may be brought *ab incommodo*, for tho' nothing elſe could be advanced againſt the granting Heritors a deciſive Suffrage *qua* Heritors, but only this, that hereby Church Judicatories are frequently embaraſſed, in my humble Opinion it were ſufficient; ſince nothing can be pleaded for this from the ſacred Scriptures. Are not Presbyteries, and likewiſe Synods many Times puzelled to know, whether this, or the other Perſon be a *real* or only a *nominal* Heritor; whether his Title to ſuch a piece of Land be good, or only a ſham one, given in *hunc effectum* by his Father, by this or the other Gentleman; puzelled to know whether infeft or not; and twenty ſuch Difficulties may occur, which Church Judicatories can hardly decide: And in my Opinion ſhould not be dipt into, but rejected by them, with a who made us

Judges, or Dividers over you. Many Calls can be inſtanced, where Presbyteries have been teazed from Day to Day with Debates wholly Civil, and much ill Blood have they made among Heritors and others; and no wonder, ſince their having a deciſive Suffrage, is contrary to our Lord's Inſtitution. And ſhould this Overture take place, being turned to an Act, as God forbid, we may ſee more Confuſion in Judicatories, than ever yet we have ſeen: Heritor working againſt Heritor, not out of Love for this, or the other Candidate, or regard to the Soul-Good of the Congregation; but becauſe forſooth their Honour is engaged. And ſo much for Proof of this, that Heritors ought not to have a Suffrage or Vote in the Calling of Goſpel Miniſters, more than others.

I proceed now to the ſecond Thing propoſed on this Head, namely, to anſwer what may be objected againſt this. 'And *firſt*, Say ſome, 'Heritors pay the Stipend, being Perſons of the 'greateſt Influence in Congregations, and there-'fore its highly reaſonable, they have a deci-'ſive Suffrage in Calling of Miniſters, beyond 'Perſons of an inferiour Rank. *Anſw.* 1*ſt*, Tho' Miniſters Stipends comes ordinarly through their Hands, it comes not out of their own Pockets, nor out of their private Eſtates; may not a Man buy as cheap a Pennyworth of

of an Eſtate, that pays a Thouſand Merks to the Miniſter, as if it paid not a ſingle Farthing.: Miniſters have their Stipends out of the Tithes, which are by Law accounted the Churches Patromony, and what the Heritor cannot pretend a Right unto. 2*dly*, Tho' they paid the Stipend out of their own private Eſtates, that would be no ſufficient Argument for giving them the choice of Goſpel Miniſters. Doctor *Stillingfleet* having aſſerted, *That the Liberality of the Northern Princes in endowing Churches, was ground for their interpoſing in the choice of Miniſters, ſo as to take the Power of Elections out of the Peoples Hand.* Doctor *Rule* anſwers in the above mentioned Treatiſe, Page 214, *ſaying, the Liberality of Princes was no ſufficient Price to purchaſe Goſpel Priviledges from them; that Chriſt had granted unto them, more than* Jacob's *Pottage was for* Eſau's *Birth-right, and adds he its a Conceit unworthy of a Divine, and only fit for a* Simon Magus, *to ſay, that the liberality of Princes, or others to a Church, can entitle them to be Maſters of her Priviledges; as there is no more Reaſon now than before, ſo there neither is, nor was any Reaſon at all, ſays he, why Magiſtrates,* and I may add, why Heritors *ſhould interpoſe in the Election of Church Officers; becauſe its the Peoples Right by Chriſt's Inſtitution, and hath been owned by the Church and Magiſtrate for*

many Ages. 3*dly*, If this were an Argument of any Force, then it would follow, that Heritors ſhould be regarded according as they pay Stipend, or are Perſons of Influence in a Congregation: Why ſhall an Heritor or Feuar, not above Fifty Merks, have as much to ſay as another worth Fifty or a Thouſand Pounds, and pays the greateſt Part of the Stipend, whereas the other pays not above a Groat; and many Heritors they pay not a ſingle Farthing, having no more Influence in Congregations than the meaneſt Cottars or Tradeſmen. 4*thly*, Were the Argument from Influence or paying Stipend, ſufficient for founding a Right to Vote, then Atheiſts, Dieſts, the ſcandalouſly prophane, yea and Popiſh Heritors ſhould be allowed deciſive Suffrages in the Election of our Paſtors, as well as others; for they pay Stipend as well as Proteſtants; and in ſundry Pariſhes of *Scotland*, they are of greateſt Influence.

OBJECT. II. *Heritors reſide longer in Congregations than others, and therefore its reaſonable the choice of Paſtors be lodged in them.* ANSW. 1*ſt*, The generality of Families, and Inhabitants, they reſide as long in Congregations without Fliting, as is the Time from a Miniſter's Settlement to his Removal from them. 2*dly*, In many, yea, I doubt, in moſt or all Pariſhes, a great many Families may be inſtanced, that with their Anceſtors have reſided as long, yea

yea longer in ſuch or ſuch a Congregation, than moſt, yea may be than any of the Heritors Families have laſted; as Tenants and Tradeſmen do ſometimes Flit, ſo Heritors are daily removing, either upon their ſelling ſuch an Eſtate, and buying another; or they are obliged to ſell them for Payment of their juſt Debt; or they are taken from them, for plotting againſt or oppoſing the Government; or the Males are gone, and the Heireſs marries a Stranger; or the Family is extinct. I have a Liſt of the Heritors of this Pariſh by me, which was taken at a Viſitation in the Year 1641, and of upwards a dozen Heritors there is not a Family remaining of the ſame Name, if it be not one or two; nor related to thoſe former Families, if it be not two or three; and its a good Space ſince moſt of theſe were gone: But there are many meaner Families, as Farmers, Tradeſmen, and others, who are of longer Abode. And as its in this, ſo I ſuppoſe it may be in other Congregations. 3*dly*, Grant they ſhould remove, that's no ſufficient Argument why they ſhould not have a Suffrage, in the choice of a Goſpel Miniſter; for as one ſays, *In a City or Corporation, the poorer Burgeſſes are not deprived of their juſt Privilege of giving their Suffrage, in the Election of the Mayor, on Pretence that they may perhaps be obliged to remove ſometime afterward, and dwell in a neigh-*

bouring City or Place, for greater Conveniency of Living. And neither ſhould the poorer Sort of Believers and Sons of God, or Brethren of Jeſus Chriſt, ſuch as Farmers, Tradeſmen or Servants, be deprived of their juſt Right, of giving their Suffrage in the Election of a Biſhoop or Paſtor, for the Church or Congregation, of which they are Members at the Time, becauſe perhaps ſome of them may remove afterwards, and dwell in a neighbouring Church.

'OBJECT. III. Should Heritors he deprived 'of a deciſive Voice, this World irritate and 'make them Enemies to our Conſtitution, ſtu-'dying alſo to render Miniſters very uneaſy af-'ter their Settlement, and make them do their 'outmoſt to have the Patronage Act riveted 'upon us, and rigourouſly put in Execution. *Anſw. 1ſt*, Such Heritors as four, the Lord, and are loyal Subjects to the King of *Zion*, will never be diſpleaſed at denying what Chriſt the ſole Head of the Church and Law of Heaven forbids to give them: No doubt Heritors have a Suffrage in the choice of Goſpel Miniſters as well as others, but to crave a Vote *qua* Heritors is their Sin, and a meddling in the Affairs of God's Houſe without his Call and Warrant, which is not ſafe; nor is an Act of Parliament or Aſſembly enough to make that juſt, which is unlawful in it ſelf: Its a received Maxim, that *id tantum quis poteſt, quod jure*

jure de poteſt, and ſurely inſtead of Ground for Diſpleaſure, they would have Ground to bleſs the Miniſtry of the Church of *Scotland* for refuſing them ſuch a Power. 2*dly*, Tho' they ſhould be diſpleaſed and irritate to the higheſt pitch, its better to pleaſe God than Men: ſhould Miniſters of the Goſpel pleaſe Men in any Thing, contrair the Will of their Lord, they ſhould not be the Servants of Chriſt. 3*dly*, Tho' they ſhould turn Enemies to our Conſtitution, there is ground to expect that God will be for us, if we keep his Way; and if God be for us, it matters little who be againſt us. 4*thly*, If this of the Peoples chuſing, their own Paſtors be, as Doctor *Rule* affirms a *Grant Right* and *Legacy* which Chirſt hath bequeathed to his People in his Teſtament, the Inſtitution of Chriſt, and the Order he hath appointed in the Goſpel, as I am perſwaded it is, then ſurely its better have all the Heritors and Magiſtrates in *Britain*, yea and all the Rulers and Parliaments in the World, againſt us becoming our ſtated Enemies, and that Miniſters were turned out of their Churches, and ſent to wander about in Sheep skins, and Goats skins, being deſtitute, afflicted and tormented, than that the Church of *Scotland* ſhould make an Act depriving the Spouſe of Chriſt of that Priviledge and Legacy, her bleſſed Bridegroom hath bequea-

thed unto her in his Teſtament. Indeed when the Lord's People comes to elect their Paſtors, they may pleaſe, and I think they ſhould pleaſe Perſons of Note, Diſtinction and greater Influence in the Congregation, in as far as this can be done with a good Conſcience; and *cæteris paribus*, it were reaſonable to elect ſuch as theſe are for, rather than another, if as deſerving and meet to be their Paſtor in their Eſteem; yet notwithſtanding Heritors are not to be complemented with the deciſive Voice; its better for People to chuſe, and Miniſters to ordain Paſtors, contrair the Inclination of Heritors, tho' the Settlement ſhould prove leſs deſireable to this or the other particular Miniſter, than croſs an Inſtitution of Chriſt. 5*thly*, Tho' this were enacted, that Heritors ſhould be the ſole Callers, its one too many if ſuch as are of greateſt Intereſt and Influence in Congregations, moſt friendly to our Conſtitution, and to the Intereſt of Chriſt in the Land, I ſay its one to many, if they be not as much croſſed in Settlements, as if Heritors had not a Voice beyond others; may we not be perſwaded of this from daily Occurrences in the planting of Congregations; cannot Inſtances be given, where Heritors, who are neither the beſt affected to Church nor State, may carry, will carry, yea and have carried Calls by the plurality of their Voices, contrair the Inclinations

nations of well affected Gentlemen, a Perſon or Perſons of Quality, and the Body of Congregations alſo oppoſing: Are not Heritors often, yea ordinarly divided among themſelves far more than the People; and its from them that Diviſions in Congregations do commonly flow. *6thly*, For what is ſaid in the Objection of Heritors, their doing their outmoſt of having the Patronage Act rivetted upon us. I Anſwer *Firſt*, We have ground to bleſs the Lord for a Sovereign upon the Throne, who is friendly unto the Church of *Scotland*. *2dly*, I have heard ſome very judicious Perſons ſay, *That it were better to have the Patronage Act in full Force, than that the Aſſembly's Overture ſhould take place; becauſe ſaid they, we may now and then here and there get a good Patron, whereas it will be more rare to get the greater Part of Heritors friendly and deſirous of a faithful Miniſter of the Goſpel.* But *3dly*, Tho' that Act ſhould be put in Force to the outmoſt, that would not be the Sin of the Church of *Scotland*, and in that Caſe ſhe would only be *Paſſive*, but in this ſhe would be ſinfully *Active*.

OBJECT. 4th, To exclude Heritors from a deciſive Suffrage in the Calling of Miniſters, is to condemn the Miniſtry and Practice of the Church of *Scotland*, ſince the late happy Revolution being, they have allowed Heritors to vote, *qua* Heritors, ſince that Time, and never

never teſtified againſt this as an Encroachment. *Anſwer* 1ſt, If we have been wrong, 'tis no Ground of Shame, but our Honour and Glory, to turn again to the right Way. 2*dly*, 'Tis one Thing to ſubmit to a civil Law for a Time, tho' encroaching upon the Church's Privileges in ſome Meaſure as we have done; and another Thing for the Church to make a Law of the ſame, yea of a far worſe Nature, encroaching a great Deal more upon her Privileges, as to me, the Aſſembly's Overture doth. The Act of Parliament runs in theſe Terms, *And to the Effect, the calling and entring of Miniſters in all Time coming may be orderly and regularly performed: Their Majeſties with Conſent of the Eſtates of Parliament, do Statute and Declare, That in Caſe of the Vacancy of any particuar Church, and for ſupplying the ſame with a Miniſter, the Heritors of the ſaid Pariſh (being Proteſtants) and the Elders are to name and propoſe the Perſon to the whole Congregation, to be either approven or diſapproven by them; and if they diſapprove, that the Diſapprovers give in their Reaſons, to the Effect the Affair may be cognoſced upon by the Presbytery of the Bounds.* Now, that this Act is better than the Aſſembly's Overture, or that the Overture is worſe than it, is evident, *Firſt*, From this, That the Parliament's Act left the People Room for diſapproving if they ſaw Ground,

Ground, and for giving in the Reaſons of their ſo doing to the Presbytery, who were to cognoſce upon the Affair: But nothing like this expreſſed in all the Aſſembly's Overtures; no, if there happen to be a Majority of Heritors for a Call, the People muſt lay their Hand upon their Mouth, ſubmitting calmly as nothing concerned. 2*dly*, 'Tis worſe than the Parliament's Act, for that gave Heritors no Negative over the Elders; no Power above them: Whereas, by the Aſſembly's Overture, Heritors have a fair Negative over the Elderſhip, at leaſt for a Time; for according to it the Call is not to be atteſted without a Majority of Heritors, tho' all the Elders were unanimous, and Six of Thirteen Heritors for the Call too. 3*dly*, 'Tis yet far worſe than the Parliament's Act; in Regard, that by the Overtures, Heritors are made the ſole and only Voters, at leaſt, by that Overture, the Vote of others is not worth a Button. For as I hinted above, unleſs there be a Majority of Heritors, the Call is not to be atteſted, tho' all the Elders and People were for it; and if there be a Majority of Heritors, then the Call is to be atteſted, tho' all the Elders be againſt it; and they ſeven Times the Number of Heritors: And according to this Overture an Heritor or two may ſettle a Miniſter over the Belly, or

contrair

contrair the Inclination of a whole Pariſh tho', may be, conſiſting upwards of Five and twenty hundred examinable Souls; as in the Pariſh of *Weems* in *Fife*, in which, if I be not miſinformed, there is this Number in the Examination Roll, and not an Heritor in the Pariſh, but the Earl of *Weyms*. 4. 'Tis worſe than the Parliament's Act; in Regard, that reſtricted the deciſive Voice to Proteſtant Heritors; but by this Overture no Heritor is excepted. I ſee not but by this Overture, a Popiſh Heritor may demand a Voice in the Choice of Paſtors, as well as another; and if we allow Heritors to vote *qua* Heritors, 'tis but reaſonable his Demand ſhould be granted; his Eſtate may be the largeſt in the Congregation. But, 3*dly*, In Anſwer to the Objection I ſay, the Church of *Scotland* hath never ſince the *Revolution*, nor in any Time formerly, nor, for ought I know, hath any Chriſtian Church enacted, That Heritors *qua* Heritors ſhould have a Vote or Suffrage in the calling of Miniſters, though ſhe ſubmitted to the above-mentioned civil Law, while in Force: And ſhould the Overture be turned into an Act, it will be ſtumbling to the Lord's People: Would it not be offenſive to all that have any Regard to Chriſt's Inſtitutions, were the Aſſembly to make an Act allowing Heritors the firſt Table in the Sacrament, or

to

to ſit at the Head of the Lord's Table, diſcharging the Approach of others till they were ſeated, or requiring the meaner People to ſit at an Ell's Diſtance from them; and yet ſuch an Act would not be more croſs to Chriſt's Inſtitution, nor half ſo prejudicial to the Intereſt of Souls, as is the robbing them of their Privilege and Right to chuſe their ſpiritual Guides and Paſtors. And as the Church of *Scotland* hath never allowed a deciſive Voice to Heritors formerly, ſo ſundry think, that, generally ſpeaking, Heritors are not more religious now than in 49 or other Times. I nothing doubt there are both among our Nobility and Gentry, who are really religious, and Exerciſers of themſelves to Godlineſs, and would be Friends to our Intereſt, tho' ſeparate from their own; but I hear ſundry regrete it is far otherwiſe with a great many Heritors, who are Enemies to real Religion, and the Power of Godlineſs; and if ſuch, then their Vote is little to be regarded, and inſtead of a deciſive Suffrage beyond others, tho' they were Heritors of the whole Pariſh, they deſerve not a Vote with the meaneſt Servant that fears the Lord; for it can never be thought that ſuch will deſire a conſcientious Miniſter. Mr. *Lauder* in the 347 Page of his Book, when ſhowing that the Body of the Church or People is not

ſo

ſo eaſily byaſſed, with Reſpect to Elections, as others, He ſays, *'Tis difficult to byaſs a conſidering People againſt their own Intereſt, unleſs you will ſuppoſe that they are graceleſs and unconcerned about their ſpiritual State; And in that Caſe I do not pretend that they have the Right of Elections, this being a Privilege which belongs to thoſe who are a* Plebs obſequens præceptis dominicis & Deum metuens, *to uſe* Cyprian's *wiſe and judicious Words*. And here he is in the Right, for where People will not give a Call to a faithful Miniſtry, and are not worthy to be admitted to the ſealing Ordinance of the Lord's Supper, as may be, 'tis the Caſe of ſome Congregations in the North of *Scotland*, that vaſtly alters the Caſe: And the Act of Aſſembly 49, enjoining Preſbyteries to provide diſaffected and malignant Congregations with Miniſters of the Goſpel, is truly good; however, this ſays nothing againſt the Right of the Lord's People to call their own Paſtors. For as the Reverend Mr. *Rutherfoord* ſays, 'Election is either to be looked to *quoad* 'Jus, or *quoad Factum*; A People not yet 'called externally, cannot elect their own Mi'niſter; a Synod or others of Charity, as Re'verend *Junius* ſaith, may chuſe for them; tho' 'de facto, and in Reſpect of their Caſe, they 'cannot chuſe their own Paſtor. 4*thly*, Whereas 'tis ſaid, The Church hath never remonſtrate

ſtrate againſt this. *Anſwer* 1ſt, I have heard, that at the making of the above-mentioned civil Law for planting of vacant Churches, ſundry in the Miniſtry of the Church of *Scotland* were far from approving thereof, tho' they did not formally remonſtrate againſt it. 2*dly*, That this has not been teſtified againſt ſince that Time, perhaps hath flowed in Part from this, That Miniſters being accuſtomed to ſuch Settlements, and People tamely yielding their Right, they did not ſeriouſly conſider the Evil of ſuch a Practice: And for my own Part, I confeſs that I never ſeriouſly thought of the Evil of this, till I ſaw Calls carried on in ſundry Congregations contrair the Inclinations of the Body of the People; and that by Heritors, who were neither friendly to Church nor State. 3. Tho' this hath not been done formerly; yet now in my humble Opinion it ſhould be done materially, by bringing the Method of Settlements to the Scripture Standard; eſpecially ſince there is no civil Law at the Time, that favours Heritors more than others in the calling of Goſpel Miniſters. And ſo much for Anſwer to Objections.

Now after all, tho' it ſhould be granted, which yet can never be yielded, That reſiding Heritors may have a Suffrage beyond others; yet is it not a moſt unreaſonable Thing,

That

That non-reſiding Heritors have any ſuch Favour granted to them, ſince they are not to abide under the Miniſtry of the Perſon elected, yea may be never to hear him ſo mch as once in their whole Lifetime. To me 'tis much, as to give ſome neighbouring Princes and Potentates a Voice in the Election of a Sovereign to rule over us: Surely our Lord hath placed the Power of electing Paſtors, where the greater Good of his Church requires it ſhould be placed: 'Tis the Good of his Church, and not the ſecular Intereſt or Pleaſure of this or the other Heritor he looks to in the calling of Goſpel Miniſters.

But *further*, as 'tis evil to give Heritors a deciſive Suffrage as ſuch, and as 'tis more unreaſonable, That non-reſiding Ones have a Vote, t'is yet worſt of all, That Heritors not of our Communion; Heritors that long to ſee our *Zion* razed to the Foundation, that they ſhould have a Suffrage in the calling of of Paſtors, to feed and overſee our Souls, to me 'tis as unreaſonable, as if our *Parliament* ſhould make an Act, allowing the ſtated Enemies of the Government a Voice in the Election of Miniſters of State, or in the Choice of ſuch as command and bear Office in our Armies and Navies: For ſuch is the Prejudice and Hatred of theſe Gentlemen That ſundry of them own, and openly profeſs they'l

they'll join the Apoſtate Church of *Rome*, rather than Presbyterians. Miniſters of the Goſpel are called *Builders* in Scripture; and what Sort of Builders will ſuch choiſe, as long to ſee the Building *laid in Heaps, and raz'd to the very Foundation.*

Perhaps you will object, That by the Overture, Synods are required to have a ſpecial Regard to ſuch Heritors as are well affected, and join in Communion with this Church. To which I anſwer, That's only in caſe there be not a Majority of Heritors: for if there be ſuch a Majority, the Affair is not to come the Synod's Length. Majority is enough, tho' this major Part had moſtly been at *Sheriffmoor*, and ſitten at the Kirk-ſtile in the Ale-houſe during the Time of Sermon before the Moderation: Being as afraid to defile themſelves by entring the Church to hear a Presbyterian Miniſter, as the hypocritical *Jews* of old were to enter *Herod's* Houſe or Judgment-hall, leſt they ſhould be defiled: And *ſpecial Regard* is but a fair General, which in ſome Caſes may do more Harm than Good. As put the Caſe, there be a conſiderable Heritor or two upon the Side of the diſaffected Party.

I proceed now to the 2d Thing, wherein I judge theſe Overtures are mainly faulty, which is, in that they deprive the Lord's

People of their Right to chuſe their own Paſtors: Tho' this be their Privilege, yet by theſe Overtures their Conſent is not required as neceſſary to their Minister's Call. Perhaps you'll object, The Overture ſays Elders ſhould try the Inclinations of the Heads of Families, and Perſons of good Reputation in the Pariſh, and have Regard thereto in the Choice of a Miniſter; and where there is no Eldership, the Presbytery ſhould ſound the Inclinations of the People. But what if they do not, there is no *Salvo* in that Caſe? or what if they do, and the People be ſtiff againſt the Perſon the Heritors are for, and do chuſe? then there is no Remedy, never a Word in the Overture intimating that ſuch a Perſon ſhall not be ſettled. No, its not ſo much as ſaid, in ſuch a Caſe, the Presbytery ſhall not proceed to the Settlement, till they deal with the People for their Conſent, and till the Affair be brought unto the Synod, as its in caſe there be not a Majority of Heritors: No, Heritors whatever they be, they muſt be pleaſed; they'll have an Act of Aſſembly in their Favours, ſhould ſuch an Overture paſs.

But perhaps you will ask, If I be not for Heritors voting as ſuch, who then am I for? to whom will I give the deciſive Suffrage? To which I anſwer, That I am for giving it *to every Man in the Congregation, that hath been admitted*

dmitted to the Lord's Table, and is of a blame-
ls Walk, be he Rich or Poor, Heritor or Tenant,
Maſter or Servant: And that Rich and Poor,
Maſter and Servant, are to have a Vote in the
alling of Goſpel Miniſters, is the Mind of
he reverend and renowned Mr. *Calderwood*,
s in his *Altare Damaſcenum*, *Page* 437, where
e ſays, *Agricolæ non minus ſunt membra Ec-*
eſiæ quam ipſe Dominus villæ, & in Chriſto non
ſervus & Liber, ſed omnes ſunt Liberi: Si ab
ac libertate nempe electionis excludendi ſint, ab
ſa etiam eccleſia excludi poſſent, eo nomine, quod
oloni ſint agricolæ aut ſervi. And excellent
utherford is very plain for this in ſundry of
is Writings, as in his *peaceable Plea for Preſ-*
ytery, 264 *Page*, where ſays he, *The Word of*
od aſcribeth Election of Officers to the People,
iting *Acts* vi. 5. He never hints that this is
he Right of Heritors or Elders more than
thers. And in his *due Right of Presbyteries*,
01 *Page*, when ſhewing to whom it be-
ongs of Right to chuſe their Miniſter, he ſays
lainly, *The People have God's Right to chuſe,*
or ſo the Word preſcribeth. And then he cites
nany of the Fathers, and ſundry Councils for
roof of this, anſwering *Bellarmine*'s Argu-
ents againſt it. And again in the 464 *Page*,
e ſays, *The People have Power to chuſe, out of*
nany, one fitteſt and moſt qualified for the Of-
ce of the Miniſtry; as is clear, *Acts* vi. 3. i.

26. and xiv. 14. 23. And in his Letters, a Book which was highly commended by the Learned and Pious *Haliburton*, when on the Borders of Eternity, once and again in them he exhorts to ſtand up for this Privilege, as in his 36th Letter, which is to one *John Gordon*, he writes thus, *I hear a Man is to be thruſt in to that Place, to which I have God's Right; I know you ſhould have a Voice by God's Word in this*; and then having cited *Acts* i. from the 15. and *Acts* vi. 3, 5. He adds, *You would be loth that any Prelate ſhould put you out of your Poſſeſſion earthly, and this is your Right.* And again in his 102 Letter, which is to one *John Henderſon*, he ſays, *A hireling Paſtor is to be thruſt in upon you; ſtand to your Liberties, for the Word of God allows you a Vote in chuſing your Paſtor.* Principal *Rule* is of this Mind, for he affirms it in poſitive Terms, That 'tis the Inſtitution of Jeſus Chriſt, and the Order which he hath appointed in the Goſpel, That People ſhould have Liberty to chuſe their own Paſtors, and other Church Officers, as in the 199 *Page* of his *Rational Defence of Non-conformity.* And again, in the 106 *Page* of that Book, he ſays, *The People, and neither the Patron, nor any other by the Laws of the Goſpel have the Right of electing their Paſtors.* And Mr. *Lauder* is very pointed and poſitive on this Head, *allowing the Suffrage in the Choice of a*

Goſpel

Goſpel Miniſter to all the Brethren, who are admitted to the Table of the Lord. And ſhould the Teſtimony of the Reverend Dr. *Owen* be of any Weight in this Caſe, then he is moſt expreſs to this Purpoſe, as in the 60 *Page* of his *Treatiſe, of the true Nature and Government of a Goſpel Church,* where he wrties, *As to the Nature of the Election, Call or Choice of a Perſon for the paſtoral Office, it is an Act of the whole Church, that is, of the Fraternity with their Elders, if they have any: Aud in this Caſe,* ſays he, *The Concurrence of Elders is neceſſary by Way of common Suffrage, not of Authority or Office: Power for Election is not an Act of Authority, but of Liberty and Power, wherein the whole Church in the Fraternity is equal.* And even the Overtures which have been tranſmitted by the Commiſſion ſince the laſt Aſſembly, they ſeem to favour this; in Regard, That where there is not an Elderſhip, they grant the Privilege to all Heads of Families, and others that have been admitted to the Lord's Table to chuſe a Liſt for Elders and Deacons; they make no Diſtinction between Rich and Poor; as in the 24th *Page* of theſe Overtures. Many others might be adduced to this Purpoſe, as the Author of the Letter concerning the Overtures tranſmitted by the Commiſſion: There that Author, when anſwering the *Repreſentation,* which was made to the Presbytery of

Glaſgow, by the Elders and Deacons of that City, he aſſerts it in poſitive Terms, *That the Election of Paſtors is a Matter which belongs to the Chriſtian People and their Repreſentatives*; by which, in my Opinion, he means nothing but that the Lord's People, Rich and Poor, Elders and People, they have an equal Suffrage in the calling of Goſpel Miniſters: By the Repreſentatives of the Chriſtian people, he cannot mean Heritors; for I never heard that any dreamed of their repreſenting the People in the calling of Paſtors: And by their Repreſentatives he cannot mean Goſpel Miniſters, for he ſays he never heard Miniſters claim the Right of calling Paſtors; and therefore, by the Repreſentatives of the Chriſtian People, he ſurely means the Elders, who repreſent the People in Diſcipline and Government: but this even according to him, can give them no Right to a deciſive Voice in the Election of Miniſters above others: For he aſſerts it in plain Terms, That this is no Act of Government; no Act of Juriſdiction; no Deed of Court; no authoritative Act; as in the 4th and 17th *Pages* of that Letter. For ſundry Reaſons I am heartily glad to find him of this Mind. There is one Thing I wonder at, and that is how he came to expreſs himſelf ſo plainly in Print on this Head, when he condemns it in others to write againſt the

Overtures

Overtures, that are under Conſideration. For to aſſert that the Election of Miniſters belongs to the Chriſtian People and their Repreſentatives, is a downright condemning of the Overtures tranſmitted by the Commiſſion and Aſſembly, anent the planting of vacant Churches, ſince the one upon the Matter, makes Heritors the ſole Callers, and both gives them a Negative over the Chriſtian People and their Repreſentatives. As the Scripture is to be our Rule, ſo to me its very plain, the Lord's People, and neither Heritors nor any others, are to have the deciſive Suffrage in the Choice of Paſtors, to feed and overſee their precious Souls. But I go on to confirm this, *namely*, That to deprive the Lord's People of their Privilege in chuſing their own Paſtors is culpable, and to be condemned: And this I ſhall do by laying before you ſome of the Arguments, which are adduced by our Divines, for proving the Right of the Lord's People to chuſe their own Paſtors. And,

Firſt, I find them arguing for this from the Word of God, proving their Right in this to be divine, which if it be, you'll eaſily own that no humane Authority, whether Eccleſiaſtical or Civil, can juſtly take it from them. And here firſt, I find them arguing from *Acts* i. 23, and 26. *Where we read of the* 120 *Brethren*

their chuſing Matthias *by Vote, and caſting Lot*; and here they argue *a majori ad minus*, aſſerting, that if the Brethren had Power to elect an Apoſtle by their joint Suffrages, much more have they a Power or Right to chuſe the ordinary Office-bearers in the Houſe of God, as Goſpel Miniſters are. Mr. *Gilleſpy* in the abovementioned Tractate, when proving that the People have Right to chuſe their own Paſtors; he ſays *Matthias*, tho' an Apoſtle συγκατεψηφισθη, that is was, choſen by Suffrages, namely of the 120 Diſciples, *ſimul ſuffragiis electus eſt*, as *Arius Montanus* rightly turneth the Word. Principal *Rule* ſays, *The Apoſtles were ſo careful to preſerve this Right in Election of ordinary Officers, that when Men for extraordinary Work were to be ſent forth, the Peoples Choice was not neglected, hence two were choſen by the Multitude, and preſented to the Lord, that by Lot the Lord might chuſe one of them to be an Apoſtle, Succeſſor to* Judas, Acts i. 23. *And being choſen by Lot, its ſaid of him* ver. 26 συγκατεψηφισθη *he was reckoned by Votes among the Apoſtles. Principal* Forreſter *when arguing upon this Head, he ſays, nay the very Perſons, one of whom was to be immediately ordained an Apoſtle by God himſelf, were choſen and preſented by the Church. Mr.* Lawder *in the* 344 *of his Book againſt* Chillingworth, *he ſays,* Matthias *was without doubt elected by the People, which*

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makes it evident to a Demonſtration, that the Church it ſelf, and not its Officers or Rulers, is by God's Appointment the Source of Election: And in the 364 Page he writs, *If the Church Rulers had been the Source, or if the Right of Elections had been in them by the Will of God, the Apoſtles would have elected or appointed the two, whereupon we thus argue; they in whom God hath lodged the Right of Elections and they only ſhould nominate and elect Biſhops or Paſtors: But God has lodged the Righe of Election in the Body of the People; therefore Biſhops or Paſtors ſhould be nominated and elected by the Body of the People. Further ſays he, The People there did all that could be done by Men in the Affair; they elected two, and did not nominate the individual Perſon; not becauſe they were not the Source of Elections; but becauſe the Perſon to be elected was to be put into the Apoſtolical Office, and it was requiſite that an Apoſtle ſhould be elected in an extraordinary Way, and in ſome ſort immediately by Jeſus Chriſt as* M. Claude *obſerved.* And ſays he, *the Apoſtles electing of* Matthias *and* Barſabas, *one of which was to be an Apoſtle, was more than to elect ten Biſhops, to have a Power to elect two; that one of them may be made an Admiral, is more than to have a Power to elect ten Captains of Frigats.* And he hath a great deal more to this Purpoſe, ſpending ſundry Leaves upon this Argument vindicating it at great length, from all the Exceptions of Oppoſites. Now this

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being the firſt new Teſtament Inſtance of Calling to the Work of the Goſpel, wherein the Church of Chriſt was called to interpoſe, its ſurely eſtabliſhed as a Rule and Pattern not to be changed, nor departed from in after Ages, its left on ſacred Record for our Direction; its an Example of the Apoſtles and Chriſtian Church, which in all Things not otherwiſe determined, hath the Force of an Inſtitution. A *ſecond* Scripture from which our Proteſtant Divines do argue for, and confirm the divine Inſtitution of popular Elections, is *Acts* vi. at the beginning, where we read of the Peoples choice of the ſeven Deacons. The People had Right to chuſe the Deacons therefore *a fortiori* they have Power and divine Right to chuſe their Paſtors: Principal *Forreſter* in the eight *Principle* of the Appendix to his Confutation of *Sage*'s Vindication of the pretended Principles of the Cyprianick Age, ſays, *The infallible Apoſtles in Point of Knowledge, of Gifts and Qualifications, would not ordain the Deacons, but upon the Peoples choice, and ſelecting of the Perſons, tho' the Office had a reſpect only to the deburſing of their Alms or Charity: And ſays he, if ſuch a Truſt as this of disburſing the Peoples Alms, was judged by the Apoſtles, neceſſary to require the Peoples Conſent and Choice of the Perſons, the far greater Truſt of the Soul's Conduct, muſt* a fortiori *require ſuch a Conſent.*

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Principal *Rule* having adduced this Argument in the 201 Page *of his Defence of Non-Conformity*, ‘ Says its a frivolous Anſwer, that it ‘ doth not follow that they ſhould chuſe their ‘ Paſtors, becauſe they may chuſe the Diſtributers of their Benevolence. For *firſt*, Both ‘ are Church Officers inſtituted by Chriſt, in ‘ this they are alike. 2*dly*, It were a leſs Matter ‘ that People were impoſed on in this leſſer ‘ Concern, than in that of greater Conſequence; ‘ and if the Lord hath taken care that they ‘ ſhould be ſatisfied about the one, much more ‘ that they ſhould be ſatisfied about the other. Mr. *Lawder* in the 345 Page of his ‘ Book ſays, ’Tis irrational to think that ‘ God would give a Right to his People, to ‘ chuſe ſome Church Officers, and not to elect others; they have a Right to chuſe their ‘ Deacons, and therefore a *fortiori* they have ‘ a Right to elect their Biſhops. A Man has a ‘ Right to chuſe his Servant, therefore much ‘ more has he a Right to chuſe his Wife; becauſe his Intereſt and Happineſs depends ‘ much more upon the right Election of a ‘ Wife. The Intereſt of the Church depends ‘ much more on the Biſhops than the Deacons; therefore if it have a Right to elect ‘ its Deacons, much more ſhould it be ſuppoſed, that it has a Right to elect its Biſhops. Is it poſſible there could be a more clear Evi-

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dent and convincing Inſtance of the free Elections of Office-bearers in the Houſe of God, by the Lord's People than this; and had it not been their Right and Privilege by a Grant from Chriſt, the ſole Head and King of the Church, the Apoſtles had ſurely nominate and choſen the Deacons themſelves, as well as ordained them: And in this Inſtance, the Power, Right and Privilege of the Lord's People, to chuſe their Office-bearers in his Houſe, is ſo confirmed and ſecured, as no humane Authority can juſtly deprive them thereof. 'A third 'Scripture from which our Proteſtant Writers 'do alſo argue, for the Peoples Right to elect their own Paſtors, is *Acts* xiv. 23. Where we read of the Apoſtles ordaining Elders in every Church by the Suffrages of the People. The learned *Turretine* having cited this Text, to prove the Peoples Power to chuſe their own Paſtors, in his 24 *Queſtion de Eccleſia*, he ſays, *Apoſtoli oppidatim conſtituunt presbyteros per populi* χειροτονιαν, *ſive liberis ejuſdem ſuffragiis, voce deducta a more grecorum, qui porrectis & extenſis manibus ſuffragia ferebant, unde ad quaſlibet electiones tam ſacras quam politicas tranſlata ſignificat per ſuffragia creare.* Doctor *Rule*, having aſſerted that People have Liberty to chuſe their own Paſtors, and other Church Officers, ſays, 'I ſhall prove this by 'ſhowing that it was the conſtant Practice in

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'the Church, while the Apoſtles managed the 'Affairs of it, that Church Officers were cho-'ſen by the Suffrages of the People; and I 'hope it will not be denied, adds he, that ſuch 'a Practice is Declarative of Chriſt Inſtitu-'tion. And then he goes on to his firſt Argu-me ntwhich is taken from this Scripture, where tho' Ordination or Appointment be in our Tranſlation, yet the Greek Word χειροτονησαντες ſignifies a chuſing by Suffrages, as the manner of the *Grecians* was by ſtretching out, or lifting up the Hand to declare their Votes. And then he goes on to ſhow, that this is the ordinary Acceptation of the Word, and to anſwer what is objected or expected againſt our Argument from this Text, Mr. *Gilleſpy* inſiſteth upon this Argument at conſiderable length; *Beza*'s Tranſlation of the Text favours this, for he renders the Words thus, *Quumque ipſis per ſuffragia creaſſent per ſingulas eccleſias Preſbyteros.* And the reverent Principal *Forreſter* ſays, that the Peoples Right to chuſe their own Paſtors, is effectually pleaded or proved from this Text. And the reverent Doctor *Owen* in his abovementioned Treatiſe, Page 62, 63, 64, 65, 66, 67, 68, 69, 70; there he argues to great Purpoſe from this and the above Scriptures, making it evident beyond Controverſy, that its the Right of the Lord's People to chuſe their own Paſtors. There are ſundry other

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Scripture Arguments, which ſome adduce, which I ſhall not ſtand to mention, being perſwaded that theſe already adduced are convincing.

2*dly*, Our Proteſtant Writers, they argue for the Peoples Right to chuſe their own Paſtors, from the ancient Practice of the Church for ſundry Centuries: For Proof of which, they cite the famous Council of *Nice*, the Synod of *Conſtantinople*, the third and fourth Councils of *Carthage*, the Council of *Calcedon*, the Council of *Ancyron*, the Council of *Laodicea*, the third Council of *Orleans*, and divers others. And alſo they cite the pretended *Apoſtolical Conſtitutions*, in which its ordained, *That Biſhops be choſen by all the People; they alſo cite a great many of the Fathers to this Purpoſe, as* Tertullian, Origen, Cyprian, Ambroſe, Chryſoſtom, Iſidore, Cregory *the Great, and ſundry others; yea,* Turretine *in the abovementioned place,* he ſays, *Communi quaſi voce antiquitas judicarit omnes illas electiones irritas, quæ* ανευ λαϰ συνεσεως *id eſt, ut vertit Cyprianus, ſine populi conſcientia, & aſſenſu factæ erant.* And Principal *Rule* cites a Council in the ſeventh Country, in which *the want of Popular Election was held to make a Miniſter's Ordination void.* And ſays he, in the 201 Page of his Book againſt *Stillingfleet. Nothing of Church order is more clearly and frequently*

quently and unanimouſly in the Writings of the Ancients, nor did longer continue untaken away, even in the degenerate Ages of the Church, than the Peoples chuſing of their Paſtors. And he thinks the obtruding of Paſtors upon People, without their choice and conſent, may be reckoned among the Novelties of Popery: Mr. *Lawder* cites the Council of *Clermont*, which was about the middle of the ſixth Century, where it was declared, *That Perſons ought to be advanced to the high Dignity of the Miniſtry, not by the favour of ſome few, but by the Suffrages of all.* And ſays he, *That the People elected their Biſhops in the third Century is a Truth ſo certain and evident, that the Popiſh Doctors thoſe among them, to wit, who are Men of Honour and Integrity, offer not to call it in Queſtion.* And that this was the Cuſtom in the Primitive Times may be further confirmed from what that ingenious Gentleman Sir *Piter King* writs, in his *Enquiry into the Conſtitution, Diſcipline, Unity and Worſhip of the Primitive Church, during the firſt three Centuries after Chriſt.* Where he ſhows from ſundry Inſtances, that during theſe three Hundred Years, the People had the choice of their own Paſtors. In the 22 Page of his Book he ſays, *When the Biſhip of a Church was dead, all the People of that Church, met together in one Place to chuſe a new Biſhop*; ſo Sabinus *was elected Biſhop of* Emerita, *by the Suffrage of*

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all the Brotherhood; which was also the Custom, says *he, through all* Africa, *for the Bishop to be chosen in the presence of the People: And so* Fabianus *was chosen to be Bishop of Rome, by all the Brethren who were met together, in one Place for that very End.* And then again in the 33 Page, when proving that the Diocese of the Bishop of *Rome* was no larger than one of our Parishes, he says the People of this Diocese met all together, to chuse a Bishop when the See was vacant: So upon the Death of *Anterus*, all the Brethren met together in the Church to chuse a Successor, where all the People unanimously chose *Fabianus*. And so, after the Death of *Fabianus*, *Cornelius* was chosen Bishop of that Diocess by the Suffrages of the Clergy and People. And in the 45 Page: *Now the manner of electing a Bishop, (to wit, during the first three Centuries,) I find to be thus says he, when a Parish or Bishoprick was vacant thro' the Death of the Incumbent, all the Members of that Parish both Clergy and Laity, (that is Elders, Deacons and People) they met together in the Church, commonly to chuse a fit Person for his Successor, to whom they might commit the care and Government of their Church: Thus when* Alexander *was chosen Bishop of* Jerusalem, *it was by the choice of the Members of that Church.* And then having given a two fold Instance of Popular Elections at *Rome*, he adds, *thus also with respect to*

the Dioceſs of Carthage, Cyprian *was choſen Biſhop thereof by its Inhabitants and Members. As* Pontius *his Deacon writs; that tho' he was a Novice* (Neophytus) *yet by the Grace of God, and the favour of the People, he was elevated to that ſublime Dignity, which is no more,* (adds he) *but what* Cyprian *himſelf acknowledges, who frequently owns that he was promoted to that honourable Charge by the Suffrages of the People.* And ſo far he. Now this Gentleman's unbyaſſedneſs, *Candour and Ingenuity is ſuch, that if in all the three firſt Centuries he had but found an Inſtance, that ſeemed to condemn Popular Elections, or to countenance Calls by Patrons, Heritors, Magiſtrates, Town-Council, or Church Officers excluſive of the People, it had been recorded by him.*

3*dly*, I find ſome, as the Reverend Mr. *Gilleſpy* arguing on this Head, from the Judgement and Teſtimony of *Orthodox*, Proteſtant Divines ſince the *Reformation.* He ſays, *The Tenent of Proteſtants, which* Bellarmine *undertakes to confute is this*; Ut ſine populi conſenſu & ſuffragio, nemo legitime electus aut vocatus ad epiſcopatum habeatur. And ſays he, *Tho' our Writers diſclaim many Things which he imputes to them, yet I find not this diſclaimed by any of them, who write againſt him; this is plainly maintained by* Luther, Calvin, Beza, Maſculus, Zanchy, Junius, Cartwright, Oſiander, Gualther, Stutonius, Morney, Baldwine, Bruch-

mand, Walleus, Bullinger, Smectymnuus, Whittaker, *and many others, whose Teſtimonies we can produce if need be.* The learned *Zanchy* is very plain pointed, and poſitive on this Head, *In quartum preceptum*, Col. 783. Where he ſays, *Eligere paſtores ſine plebis conſenſu primum non eſt apoſtolicum neque legitimum, eoque talis miniſter legitimus non fuerit miniſter. Deinde pugnat cum libertate Eccleſiæ, eoque adimitur ei quod Chriſtus donavit, quantum autem eſt hoc crimen? Tertio non conducit paſtori, quia nunquam bona conſcientia poterit ſuo fungi officio, necque etiam conducit Eccleſiæ quia libenter non audiet, neque etiam amabit eum, qui ſibi non conſentienti obtruſus eſt.* Many others may be cited to this purpoſe. The Author of the Pamphlet Entituled *'The Paſtor and the Prelate*, which was printed at *Edinburgh* 1628, in the 35 and 36 Pages, when ſhowing the difference between Goſpel Miniſters and Dioceſan Prelates, he ſays, 'The Paſtor in planting Churches 'and placing of Miniſters, without reſpect to 'any Man's private Judgment or Affection with 'common Conſent, maketh choice of the beſt 'qualified for Grace and Manners, and moſt fit 'for the People, he is to be ſet over; and that 'with their own ſpecial Advice and Deſire, ſo 'that he giveth not the Church to the Miniſter 'but the Miniſter to the Church: And then he 'ſhows that the Practice of lordly Prelates 'is diametrically oppoſite to this. The Au-

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thors of *Smectymnuus Redivivus*, who I ſuppoſe were the reverend Mrs. *Stephen Marſhal*, *Edmund Calamy*, *Thomas Young*, *Matthew Newcommen*, and I know not if the fifth was, *William Sedgwick*, *Strong* or *Superſlow*. I ſay theſe Authors in the 23d and 24 Pages of that Book, when ſhowing the difference between Dioceſan Biſhops, and the ancient Biſhops in the Primitive Times. *The Primitive Biſhops*, ſay they, 'Who were only Parochial Paſtors, they 'differed from ours in this, that all their Elections were ordered by the privity Conſent 'and Approbation of the People, where the 'Biſhops were to ſerve; and were there no o-'thers to make this good, *Cyprian* alone would 'do it, among other Places, ſay they, let his '68 Epiſtle witneſs, where he ſays, *plebs maxime habet poteſtatem*, &c. The People ſpecially have Power either of chuſing worthy 'Prieſts, or rejecting the unworthy; for this 'is derived from divine Authority, that the 'Prieſts ſhould be choſen in the preſence of 'the People, before all their Eyes, and approved as fit and worthy by their publick Vote 'and Teſtimony; *and this ſay they*, he proves 'by the Teſtimony of ſacred Writ, both old 'and new: Nor was this the Judgment of one 'ſole Man, but of an *African* Synod, conſulted by the *Spaniſh* Churches, in point of E-'ction, as the Inſcription of the Epiſtle ſhows. 'the Obtruſion of a Biſhop upon the Church

of *Alexandria*, without the Preſence, Deſire and Vote of the Clergy or People, is condemned by *Athanaſius*, not only as a breach of Canon, but as a Tranſgreſſion of Apoſtolical Precept, and that it did compel or neceſſitate the Heathen to Blaſpheme; nor, ſay they, did only Chriſtian Biſhops but Chriſtian Princes acknowledge the Right and Power of Election of Biſhops to be in the the People; ſo that admired *Conſtantine*, the great Promoter and Patron of the Peace of the Chriſtian Church, writing to the Church of *Nicomedia* againſt *Euſibius*: And *Theognius* tells them the ready Way to lay aſleep the Tumults, that did then diſtract the Church about the Election of a Biſhop, was *ſi modo Epiſcopum fidelem & integrum*, &c. If they would get a faithful and upright Biſhop, which ſaid he is in your Power preſently to do, and was long ago; if *Euſebius* with the aid of his Faction, had not ruſhed in upon, and impudently diſturbed the right Order of Election. *Now ſay they*, that which the ſacred Emperor calls the right Order of Election, what is it but the Election by the People, in whoſe Power, ſays he, it then was, and long ago had been to chuſe a Biſhop? *And ſay they* to this Election in *Necomedia*, we could if it were needful in ſo clear a Truth add many like Preſedents of popular Election, which for brevity's ſake we paſs over.

And

And ſo much for Proof of this, That its the the Peoples undoubted Right and Privilege to chuſe their own Paſtors. There are ſundry other Topicks inſiſted upon to good Purpoſe by our Divines for Proof of this, which here I ſhall not mention, but go on to anſwer Objections, which have been or may be raiſed againſt this. And

Firſt, Perhaps it will be objected, 'That 'ſome of our Worthies, as the Reverend Mr. '*Gilleſpy*, and Principal *Forreſter*, are of a con-'trary Mind from what is here advanced, tho' 'cited once and again, for Proof thereof, be-'ing they give the deciſive Suffrage to the 'Elderſhip, and not to the People. To which I anſwer firſt, That tho' they give the deci-ſive Voice to Elders, there is nothing in all their Writings favouring this Right in Heri-tors, more than others. '2*dly*, With all re-'ſpect to theſe eminently learned judicious and 'pious Worthies, who were valiant Champi-'ons in pleading the Cauſe of Chriſt, I might 'anſwer, *Aliquando dormitat ipſe Homerus*. And 'tho' they ſpeak of giving the deciſive Vote 'to the Elderſhip; yet I find them not ad-'ducing Arguments that it ſhould be ſo, 'whereas they bring ſtrong and unanſwerable 'Arguments, for proving the Peoples Right 'to chuſe their own Paſtors: And could I 'have ſeen Foundation from Scripture, for giv-'ing the deciſive Voice to the Elderſhip, its what

my private Inclinations would have led me to, in regard this hath been the Practice of the Church of *Scotland* for ſome Time. 3*dly*, Tho' they give the Vote to the Elderſhip, they are poſitive for the Peoples conſent, plainly condemning Settlements, contrair the Inclinations of a People. Mr. *Gilleſpy* in the 24 Page of his Miſcellany Queſtions, when treating of the Peoples Power, to chuſe their own Overſeers, he ſays, 'The Liberty of Conſent is 'one Thing, Counſel or Deliberation another 'Thing, the Power of a deciſive Voice in 'Court or Judicatory, a third Thing. I ſpeak 'of a conſtituted Church, for where there is not 'yet an Elderſhip, there can be no ſuch Diſtinction: Yet adds he, However be there an Elderſhip, or be there none the Peoples Conſent muſt be had.' He doth not barely ſay, their Conſent is deſireable, their Conſent were to be wiſhed, their Conſent is to be ſtudied, their Inclinations ſhould be ſounded, or People may lay their Objections before the Presbytery, no but their Conſent muſt be had: Nothing can be more expreſs and poſitive than this. And to me its evident to a Demonſtration, that the Reverend Principal *Forreſter* is of the ſame Mind; his Arguments ſhow he alſo looked upon Settlements as Antiſcriptural, tho' all the Elders had been unanimous, if the Peoples Conſent was not obtained. In his 20th

Query

Query to the Prelatiſts of *Scotland*, he ſays, The ſpiritual near Relation which is between the Miniſter and his Flock, importing peculiar reciprocal Duties, muſt needs ſuppoſe a voluntary Conſent and Call. Now I'm ſure theſe peculiar reciprocal Duties are not between Miniſters and Elders only, but between the Miniſter and his Flock in a ſpecial manner Elders are far from being the Flock, tho' a part thereof; and that he intends no more when he ſpeaks of the congregational Elderſhip's Intereſt in Calling a Miniſter, but that he is for giving them the deciſive Voice, ſo as they take the Congregations conſent along with them, is evident from what he likewiſe ſays in the 8th *Principle of his Appendix, to the Confutation of* Sages *Vindication of the pretended Principles of the Cyprianick Age*; as there he argues for the Peoples Power and Intereſt in calling their Paſtor from the Marriage-like Relation, which is between Paſtor and Flock: So I am ſure as its not a Match, tho' Father and Mother ſhould both conſent, unleſs the Bride conſent alſo; neither is there a Paſtoral Relation fixed, tho' all the Elders, and Heritors too, ſhould call, unleſs the People conſent. Further, as there he argues from the Judgment of Diſcretion, and trying the Spirits, which is allowed, yea enjoined the People of God, ſo I hope none

will say this Judgment of Discretion and trying the Spirits, is only the Privilege of Elders, or that it belongs allennarly to them: And as there he argues from the necessary acting in Faith, which is required of the Lord's People; so I am sure no Protestant dreams that this belongs only to Elders or Heritors, and that the People should pin their Faith to their Sleeves, acting with implicite Faith, believing as they believe, which is *Fides Carbonaria*, or the Coallier's Faith.

But, *4thly*, Tho' Mr. *Gillespie* gives the decive Suffrage to the Elders; yet he is so much for the People's Right, that he gives them a Negative over all the Eldership. And should you ask how I make this good? Then I answer its evident from this, That he thinks their Dissent is Ground enough to hinder the Settlement; and thinks they are not obliged to give a Reason of their Dissent; or if they must give a Reason, he says, If they desire another better, or as well qualified, by whom they find themselves more edified; this is a Reason sufficient. I'll give you his own Words *verbatim*, when answering this Objection, that People may not dissassent from the Person chosen, without objecting somewhat against his Doctrine or Life; In the 27th *Page* of his Miscellany Questions, he says, *Now Men vote in Elderships, as in all Courts and Consistories,*

Conſiſtories, freely according to the Judgment of their Conſcience, and are not called to an Account for a Reaſon of their Votes: And as the Vote of the Elderſhip is a free Vote, ſo is the Congregation's Conſent a free Conſent; and the Objection holdeth no more againſt the latter than againſt the former, for both are jointly required by the Church of Scotland. And in the 28th *Page*, while going on to anſwer this Objection, he ſays, *Tho' nothing be objected againſt the Man's Doctrine or Life, yet if the People deſire another better, or as well qualified, by whom they find themſelves more edified than by the other, that is a Reaſon ſufficient, if a Reaſon muſt be given at all: And it is allowed by* Daneus *in* 1 Tim. v. 22. *And by the firſt Book of Diſcipline in the fourth Head.* And then he adds, *It being condeſcended upon in the Parliament of* Scotland, *That His Majeſty with Conſent and Advice of of the Eſtates ſhould nominate the Officers of States. The Eſtates of Parliament were preſſed to give a Reaſon of their diſſenting from his Majeſty's Nomination, but they refuſed; and I am ſure* (ſays he) *conſenting or not conſenting, in a Matter Eccleſiaſtical, ought to be as free, if not more free than in a Matter civil.*

2*dly*, Some may perhaps object, That this of giving the People a Voice in the calling of Goſpel Miniſters is contrary to the Opinion of the *Miniſters of London* met in a provincial

cial Assembly, *Anno* 1654, as is evident from their *Jus divinum Ministerii Evangelici*, *Chap.* 8th, in which they confute this of the Peoples Right to chuse their own Pastors, asserting, *That the Election of a Minister doth not belong wholly and solely by divine Right to the major Part of every particular Congregation.* To which I answer, *First*, That I frankly yield the whole of their Proposition; for if they distinguish between the People and Eldership, then I own the Elders have a Voice with others. And its the Duty of People to consult, advise and deliberate with the Eldership, as to the Person whom they design to call; so that Election doth not solely belong to the People, or it belongs not so to them, as to exclude the Eldership. 2*dly*, I own, That by divine Right it belongs not to the major Part of every Congregation to elect the Minister; for if the major Part of a Congregation be so ignorant, irreligious, scandalous, or erroneous, that they ought not to be admitted to sealing Ordinances; or if the major Part of the Congregation be such as will not submit to the Ministry of a faithful Gospel Minister, then they ought not to have a Vote, as hath been hinted above. 3*dly*, As the Reverend Mr. *Lauder* observes in his Answers to their Proposition, *Page* 356 of his Treatise against *Chillingworth* and others, *Though they tell us*

that

that the Election of a Minister doth not belong to the major Part of every Congregation wholly and solely, yet they tell us not what they understand by this wholly amd solely, nor do they tell us how far the Power of Election belongs to the major Part of a Congregation, nor do they tell us what of this Power belongs to others; nor who these others are, that have Powers in this besides the People of particular Congregations. And from their cautious Way of expressing themselves in in that Proposition, it would seem they thought *that some or many, or most Congregations have the whole and sole Power of Election.* 4*thly*, I apprehend all that those eminent Divines meant to prove was only this, That the Sectarian Principle which prevail'd at that Day was erroneous, *viz. That the People might call such for Pastors, as had not been licensed by Presbyteries to preach the Gospel, and that their bare Election was enough to make a Minister without the Presbyterie's Ordination.* However, if by their Arguments they had meant more, then, as a Person of Worth observed, their Arguments would strike against the Ruling Elders Vote in the calling a Gospel Minister, as much as against the Peoples, and give all to the Classis or Presbytery, yea to the preaching Elders only. 5*thly*, 'Tis observeable, That tho' they say it belongs not to every Congregation solely, and only to call their Minister;

ſter; yet they never ſay it belongs not to the People to chuſe their own Paſtors; They do not ſay this is the Right of Heritors; They do not ſay this is the Right of Elders; nor do they ſay this is the Right of Miniſters: So for any Thing they aſſert in that *Chapter*, we are left at an Uncertainty, as to what was their Judgment on this Head. *6thly*, All that they or others ſay to invalidate our Arguments for the Peoples divine Right to chuſe their own Paſtors, is ſolidly anſwered by the Reverend Mrs. *Gilleſpie*, *Rule*, *Forreſter*, *Lauder*, Dr. *Owen*, and others, in ſuch of their Writings, as have been mentioned above: And truly it may be wondered by all how they, to wit, the Miniſters of the Provincial Synod of *London* came to attempt this. Eſpecially conſidering in the *ſeventh* Place, That they expreſly declare themſelves to be no Enemies to popular Elections; and ſeeing they declare, that the miniſterial Call conſiſteth in Election, as well as in Ordination: I'll give you their own Words in the ſecond Part of that Book, or in their *Jus divinum Miniſterii Anglicani*, *Page* 16. when proving that Ordination is that which gives the Eſſence to the miniſterial Call. They expreſs themſelves thus, *Here we deſire the Reader to take notice, That in this Argument we ſhall not at all ſpeak of the Peoples Election of their Miniſter: Not be-*

cauſe

cauſe we are Enemies to popular Elections rightly managed and ordered; or becauſe we think that the miniſterial Call doth not conſiſt in Election, as well as Ordination; (for we have formerly declared the contrairy) but becauſe the great Stumbling-ſtone, and Rock of Offence againſt the preſent Miniſtry is in Refrence to their Ordination; therefore it is that we inſiſt upon that only. Here at length we have found what was their Judgment on this Point; and you ſee plainly that now they are Friends to popular Elections. Had they not been convinced that popular Elections are founded upon the Word of God, they ſurely had been Enemies to them: And you may ſee plainly that they think the Peoples Call is needful to make a Perſon the Miniſter of a People, as well as the Presbytery's Ordination. And you ſee the great Thing they had in View, was to confute that Sectarian Principle of the Needleſſneſs of Ordination to a Miniſter's Call.

OBJECT. 3d, *To give the People a deciſive Suffrage, in the calling of Miniſters, would condemn the Practice of the Church of* Scotland *in former Times, and reflect particularly on the laſt Aſſembly for tranſmitting the Overture, here under Conſideration.* To which I anſwer, *Firſt*, 'Tis as much a condemning the Church of *Scotland* in former Times, to give the deciſive Vote to Heritors; In Regard, this was never

ver her Principle nor Practice in former Days.

2*dly*, I answer, That for some Time immediately after the Reformation, the Church of *Scotland* gave the Election of Pastors to the Lord's People. *In the first Book of* Discipline *drawn up by Order of the Government, and agreed to in the Privy-Council*, January 17. 1560. *There, in the fourth Head concerning the lawful Election of Ministers, the Power of Election is lodged in the Parishoners*; I read, *that in the first General Assembly of the Reformed Church of* Scotland, *held the* 10*th of* December 1560, *about four Months after the Pope's Authority was abolished, it was enacted the* 27*th of the said Month, That the Election of Ministers should be in the publick Church by the People; and that Notice of it should be given the* Sunday *or Lord's-day preceeding*: And it was the same as to the Election of *Superintendants*, as may be seen by the Form of it prefixed to the old Psalm Books, and in the first Book of Discipline under the Head of the Election of Superintendants. Again in the 4th General Assembly of this Church it was enacted, *That the Presentation of Ministers should be in the People.* 3. Tho' our Assemblies have given the decisive Suffrage to Elders, yet they were still positive for the Peoples Consent, and absolutely against the Settlement of Ministers, *renitente & contradicente*

cente Eccesia. Mr. *Calderwood*, in the 26th *Page* of his Hiſtory, when giving the Sum of the firſt Book of Diſcipline; In the 4th Head, ſays he, *They acknowledge that its altogether to be avoided that any Man be thruſt violently upon the Congregation.* And in the ſecond Book of Diſcipline, *Chap* 3d, which treats of the calling of Miniſters; In the 6th Paragraph of that *Chapter* its ſaid, *Election is the chuſing out of a Perſon or Perſons moſt able to the Office, which vaikes, by the Judgment of the Elderſhip, and Conſent of the Congregation to which they ſhall be appointed.* And again in the 8th Paragraph of that ſame *Chapter* its ſaid, *In the Order of Election is to be eſchewed, that any Perſon be intruded into any Offices of the Kirk, without the Will of the Congregation, to which they are appinted.* And in the 12th *Chapter* of that Book, which treats of certain ſpecial Heads of Reformation craved by the Church at that Time, in the 11th and 12th Paragraphs its ſaid, *The Liberty of Perſons called to eccleſiaſtical Functions, and obſerved without Interruption, ſo long as the Kirk was not corrupted by Antichriſt, we deſire to be reſtored and retained within this Realm; ſo that none be intruded upon any Congregation, either by the Prince, or any inferiour Perſon without lawful Election, and the Aſſent of the People, over whom the Perſon is placed; as the Practice of the*

apoſtolical

apoſtolical and primitive Kirk, and good Order ... *crave.* And in the 1638, when Presbtery wa reſtored, this was ſtill the avowed Principle ... the Church of *Scotland*: For in the 23d Seſſio of the Aſſembly held at *Glaſgow* that ſam Year, its expreſly appointed, "That no Pe "ſons be intruded into any Office of th "Kirk, without the Will of the Congrega "tion to which they are appointed." And alſ the General Aſſembly 1649, in the Director for ſettling Miniſters, clearly intimates, Tha the Conſent of the People is neceſſary to a Mi niſter's Call, and their Diſſent Ground enoug to hinder the Settlement. The above-men tioned Mr. *Gilleſpie*, who may be ſuppoſed t have underſtood the Principles and Sent ments of the Church of *Scotland*, as well a many in his Day, in the forecited Treati printed the ſame Year, when ſhowing, wherei the Church of *Scotland* differed from *Anabaptiſt Independents*, and *Separatiſts* as to the callin of Miniſters, he expreſſeth himſelf thus, "W "give the Vote only to the Elderſhip, o "Church Repreſentative; yet, ſays he, "that they carry along with them the Con "ſent of the major or better Part of th "Congregation." Theſe Words are in th 24th *Page*. And again in the 27th he ſay "As the Vote of the Elderſhip is a fre "Vote, ſo is the Congregation's Conſent

"an

" and both are jointly required by the " the Church of *Scotland*." And the Reverend Principal *Rule*, who was employed by the Church of *Scotland* to write in her Defence, in his Vindication from the Aſpertions which were caſt upon her by a ſlanderous Pamphlet, Intituled, *The Caſe of the afflicted Clergy*. Page 12th, when ſpeaking of ſome of the Epiſcopal Clergy that were ejected at the *Revolution*, he ſays, " There was never a Rela- " tion of Paſtor and People between them and " theſe Flocks, they, *viz.* The People never " having conſented to ſuch a Relation:" By which he clearly hints there can be no paſtoral Relation between a Miniſter and People, unleſs the People conſent unto it. 3*dly*, I think its no condemning of the Church of *Scotland* to go a little further than formerly ſhe hath done; for tho' ſhe hath been, and is one of the pureſt Churches upon Earth, for Doctrine, Diſcipline, Worſhip and Government; yet that will not prove ſhe is come to ſuch a Pitch in Reformation, that there is not a *plus ultra*, or that ſhe is abſolutely perfect. 4*thly*, Whereas its ſaid this would reflect upon the laſt Aſſembly which tranſmitted the Overtures. To this I anſwer, That its with the greateſt Reluctancy I write any Thing that may ſeem in the leaſt to reflect upon the ſupreme Judicatory of this Church; yet *amicus*

Plato, *amicus* Socrates, *ſed magis mihi amic* *Veritas.* And it ſays much for the Aſſembly' Vindication, that Overtures are ofte brought in by private Hands; and when the get a firſt reading, few, or may be non ſpeaks a Word for or againſt them, becau they are to ly upon the Table for ſome Time and when they come to get a ſecond reading ſometimes this happens in the Cloſe of a lon Sederunt, when Members are fatigued, may be when many of them are gone out, I think it fared with this Overture: An Members generally are more eaſy about Ove tures, becauſe they think they'll have Occa ſion to ſpeak their Minds in their reſpecti Presbyteries, before they be paſt into Acts.

4th OBJECT. *This is an independent Princip to give a deciſive Suffrage to the People in t Choice of their Paſtors. Anſwer* 1ſt, 'Tis n Ground for oppoſing or diſowning the Truth becauſe maintained by *Independents*; nay, no tho' maintained by *Romaniſts*, *Arians* or *Soc nians*. *Quid eſt?* ſaid *Cyprian*, *quia hoc facit N vatianus, ut nos non putemus eſſe faciendu* 2*dly*, As Principal *Rule* ſays, *We plead for th Church Power in the People, not for all Churc Power*; and we may well go a Mile wit the Scriptures, tho' we go not two with In dependents. 3*dly*, I ſay, That this of th Peoples Right to chuſe their own Paſtors,

a Scripture Truth acknowledged by Presbyterians, and no peculiar Doctrine of Independents. Such as have expreſly written againſt the Independents, have yet acknowledged this to be the Peoples Right. As doth worthy *Rutherfoord* in thoſe Pieces of his againſt the Independets, *viz. His peaceable Plea for Presbytery, and due Right of Presbyteries*, which hath been ſhown above: Tho' he confutes it as an independent Principle, That the Ordination of Paſtors is from the People: Yet he frankly owns, yea pleads for this, That it is their Right to elect their own Miniſters. *Laget* in his Defence of *Church Government*, Part 1ſt, *Chap.* 1ſt, In the ſtating the Queſtion about Church Government, declares, That the Queſtion is not whether in Matters of greater Importance, and more publick Concern, as Admiſſions, Excommunications and Elections, the Caſe ought to be made known unto, and determined with the free Conſent of the People, for all this he willingly granteth, but whether every Cauſe ought to be brought to the Multitude, and they to give their Voices therein together with the Officers of the Church. And the Rd. Mr. *Herle*, Prolocutor or Moderator of the Aſſembly of Divines at *Weſtminſter*, in a Treatiſe of his againſt the Independents, in which, while ſtating the Queſtion, he ſays, *We acknowledge that the*

Paſtors and other Officers were anciently, and its to be wiſhed they ſtill were choſen, at leaſt conſented to by the Members of each reſpective Congregation. Again, Profeſſor *Wood* in his Treatiſe againſt *Lockier*, in which he is expreſly writing againſt the Independents; there he frankly owns this for a Truth, as in the 244 *Page*, Mr. *Lockier* having aſſerted, That the whole Church ſhould be jointly authoritative about Cenſures, Ordinations, Elections, *&c.* after denying the firſt two, and ſhewing their Unreaſonableneſs, he ſays, as to his 3d Inſtance concerning Elections of Officers, *We grant that Election of Officers is to be done by the People*; he never contradicts this in the leaſt; no, he frankly owns it; only he ſays Election is no Ordination, nor is it any authoritative Act of Government. Again, *Gulielmus Apolonii*, or *Apolonius*, who wrote to the Synod at *London* in the Name, by the Command, and at the Appointment of the *Walachrian* Churches in the Year 1644, *Page* 57, when condemning the *Independent Principle*, namely, *That Ordination by Miniſters is not eſſential to a Miniſter's Call; or, that the bare Election of the People is enough to make one a Miniſter of the Goſpel*; he ſays, *We grant indeed (as we ſaid before) that there is a Liberty of Nomination or Election allowed by the Word of God to all the Members in a Church, ſo as no Miniſter may without the Agreement*

Agreement and Conſent of the People be obtruded upon a Church, whither they will or no, which Nomination or Election doth not yet confer miniſterial Power on the Perſon elected; but only deſigneth a Perſon on whom it may be duly derived, according to the inſtituted Rule by thoſe who have under Chriſt received that Power, whereby Eccleſiaſtical Authority is derived on this or that Perſon. And *further*, if I be not far miſtaken, the Generality of Presbyterians in the Church of *Scotland*, who have ſtudied this Subject, they frankly own, That the Lord's People have divine Right to elect their own Paſtors; and that thoſe Calls are moſt agreeable to the Scriptures of Truth, in which the Peoples Voices are asked and given.

OBJECT. V. *The People or Body of Congreations are not competent Judges of Miniſters Qualifications; and therefore it would be odd to lodge the Power of Elections in their Hands: Are not, ſay ſome, Weavers, Shoemakers, Taylors, Ploughmen and the like, fit to judge of miniſterial Abilities.* And this is no new Objection, for it was made by the Jeſuite *Bellarmine* of old. Now in Anſwer to this, *Firſt*, I ſay, That many of the Commonality are as fit, yea fitter, and more able to judge in the Affair than many Heritors. If Miniſterial Qualifications be found in the ſacred Scriptures, then few among the Commonality but they have a Bible,

reading daily thereon, and bringing it to the Church; whereas ſundry read as little in the Book of God, as if they were afraid of an Inquiſition: You may be ſeven Years in their Company before you find them with a Bible in their Hand. Have not ſome of them made their Boaſt that they have not read that melancholly Book, as they profanely term it, ſince they were at School. 2*dly*, Tho' it ſhould be granted, that generally ſpeaking, Heritors or others are more capable to judge than the People; yet it will not follow, that therefore they are to have the deciſive Suffrage. For as the Reverend Mr. *Lauder* ſays, *Page* 346, "Perhaps one witty Fellow, ſuch as *Diogenes*, "was as able to diſcern, or had more Skill to "judge what Perſons were fitteſt to be Ma"giſtrates, or to be put in ſuch or ſuch Of"fices, than the whole Body of the *Athenians*. "People who were made up of Merchants "and Tradeſmen, and Perſons of very ordi"nary Capacities: But would it not be re"diculous to infer hence, that the Power of "Elections was not, or ſhould not have been "lodged in the Body of the People of *Athens*, "but in *Diogenes*; And the Reaſon is evi"dent, for tho' *Diogenes* had more Skill that "Way than moſt, or all the Citizens of "*Athens*; yet he could not pretend to the "like Intereſt. The Right of Elections natu-

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" rally reſides in, and belongs to them that " have the greateſt Intereſt in the Perſon " choſen." But, 3*dly*, I think our Lord anſwers this Objection in the Tenth of his Goſpel according to the Evangeliſt *John*, where he ſays, *That his Sheep they hear and know his Voice, and follows him, that's the true Shepherd; and that they will not follow a Stranger, but will flee from him, becauſe they know not the Voice of Strangers.* Our Lord is far from ſpeaking contemptibly of the meaneſt of his Flock; they have a Spirit of diſcerning as to their Paſtors to be elected; and to deny them this, is to make them Sheep in a literal Senſe, that Men may rule over them as Beaſts; as Dr. *Rule* ſays. And the Reverend Dr. *Owen* ſays, *To deny them an Ability of a right Judgment herein, or a Liberty for the Uſe and Exerciſe of it, is Errour and Tyranny. But that Flock, which Chriſt hath purchaſed and purified with his own Blood, is thought by ſome to be little better than an Herd of brute Beaſts.* 4*thly*, I anſwer to this, in the Words of *Junius* againſt *Bellarmine*, " That " Congregations they judge not ſimply and abſolutely, whether one be fit for the Miniſtry, " but whether he be fit to ſerve in the Miniſtry " among them; which two are ſo different, that " of two Men offered to a Congregation, he that " is abſolutely and ſimply the beſt qualified for " the Miniſtry is not to be for that Cauſe

" admitted *hic & nunc*, but he who is fitteſt " for that Congregation. Now a rude and " ignorant People can judge which of the " two ſpeaks beſt to their Capacity and Edi- " fication." 5*thly*, It cannot be denied, but the Poor, and People of an inferiour Rank may have the Spirit of Chriſt as well as the Rich; and if they have the Spirit of Wiſdom and Revelation, are they not capable to judge in this Affair: As its promiſed, that if we acknowledge God in all our Ways, he will directs us in all our Paths; ſo it cannot be denied but the Poor have as good a Right to this Promiſe as the Rich: Nor can it be denied, but they get as ready Acceſs through Chriſt, and are as often at a Throne of Grace as the other, and are enabled to pray to as good Purpoſe without Book, as the wealthy Ones of the Earth, *the Spirit of the Lord helping their Infirmities.* A Man may be vaſtly rich, and *doctus in omni ſcibili*, and learned *Ad ſtuporum uſque*, skilled in all the natural Sciences, underſtanding Law, ſo as he might be a Senator of the College of Juſtice; ſo read in all Tranſactions that he might be a Profeſſor of Hiſtory; or skilled in Divinity, that he might teach in the Schools; and the like, and yet his Judgment not to be depended on, or ſo much regarded in the Choice of a Goſpel Miniſter, as ſome poor *Oneſimus* or Servant Man, that hath the

Grace

Grace of God and Spirit of Christ, *Job* xxxii. 8, 9. *But there is a Spirit in Man*, says Elihu, *and the Inspiration of the Almighty giveth them Understanding; Great Men are not always wise, neither do the aged understand Judgment.* Great Men for Birth, great Men for Place, great Men for Wealth, and great Men for natural Parts, and great Men for Learning, they are not always wise; *Has not God chosen the Poor of this World rich in Faith, and Heirs of the Kingdom*: And I wish such as make this Objection, would seriously consider the Apostle's Words, 1 *Cor.* i. 26, 27, 28, 29. *Not many noble*, &c. I nothing doubt the Poor are as able to judge, who are *Men of honest Report, full of the Holy Ghost, and of Wisdom*, as the Rich.

Object. IV. Popular Elections would bring us unto much confusion, occasioning great Uneasiness and Troubles to Church Judicatories. *Answ.* 1st, No uneasiness nor trouble could arise from these, but what might be prevented through the Lord's blessing, upon Rules laid down for preventing Confusion, in the Choice of Gospel Ministers. Were it not very easie for Ministers of the Gospel to keep an exact Account of the Names of such as are admitted to the Lord's Table, recording the same in the Session's Register. And Testificates should bear that such and such a Man

Man was admitted to the Table of the Lord. And at Moderations it would be far more easy to call over the Names of such Men in the Congregation, as have been admitted, than wait till this and the other Gentleman's Protest, and Counter-Protest be dictate and writen; at which no little Sin is many Times committed, when civil Rights are called in Question. The allowing Heritors to vote under that Reduplication embarasseth the Church far more, and will create other kind of Uneasiness to Judicatories, than this could possibly do. But 2*dly*, I answer in the Words of Principal *Rule*, that there is no Institution of Christ, but Inconveniences may follow upon it, as long as sinful Men have the Management thereof: To alter any of Christ's Institutions, because of Inconveniences which appear to attend them, is to accuse him, that's the Wisdom of God, of Folly; and when Inconveniences fall in, we must take God's Way, not our own, to right them again. And were this Objection good, then the Practice of the Primitive Church was erroneous, and Christianity it self culpable, which, tho' in it self a Doctrine of Peace, has thro' the corruption of Men, occasioned Divisions among the neareſt and deareſt Relations. 3*dly*, Tho' some Inconveniences might follow upon this, I'm sure it would prevent much Division animosity, and

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Contention among Miniſters of the Goſpel, occaſioned by our preſent Method of ſettling Miniſters; while ſome are for ſettling upon a Call from the Majority of Heritors and Elders, tho may be the Body of the Congregation are utterly averſe, the better Part being alſo among the Oppoſers: Others again they ſtiffly oppoſe this, looking upon it as contrair to the Goſpel Method of ſettling Miniſters. And ſhould this Overture get the Force of an Act, our Diviſions will increaſe much more: For whatever Veneration we owe to Church Judicatories; yet no Act, tho' it were of an *Æcomenick* Council, will ſatisfy the Conſcience in that which is contrair our Lord's Inſtitutions: For as the Authtor of *Jus Populi* affirms, whether the late Lord Advocate or not; I cannot ſay, Page 179, *no Law of Man can warrant Iniquity, no Act or Conſtitution of any under Heaven, can reſcind or invalidate the Mandates of the King of Kings, or exempt People from Obedience due thereunto.*

Object. VII. The People may be ſaid to vote and give their Suffrage, in and by the Elderſhip, and this may ſuffice or ſatisfy them.

Answ. *Firſt*, I know not when it can be ſaid, that the People gives the Elders a Power to vote for a Miniſter in their Name; I know of nothing done at the Election of Elders, from which this can be inferred. The Autho

thor of the *History of Episcopacy*, says, *The Patron electeth Presbyters for, and in the Name of the rest of the People.* And perhaps there is little less Reason to say so, than to say, that Elders vote in the Name of the People. But 2*dly*, In the words of Doctor *Rule* I answer, *That the Power of Election is Christ's Legacy to his People, and not alienable by them, its a Right which they cannot give away, it nearly Concerns their Souls, and such Concerns are not at Mens disposal.* The learned and judicious *Calderwood* is of the same Mind, as may be seen from what he writs, in his *altare damescenum*, Page 342 of the first Impression, and 233 Page of the second, where he expresseth himself thus: *Non possunt transferre jus illud*, &c. *Rutherfoord* is of this Mind, and he cites these Words of *Calderwood* in his due Right of Presbyterys Page 464, translating them thus: *The Church may not transfer her Power of presenting to a Patron, for that is in Effect to transfer her Power of Election; but that, saith he, the particular Church cannot do except by the Decree of a* General Assembly, *neither can that Right be transferred over to a* General-Assembly; *especially a perpetual and hereditary Right: Because, as saith* Cartwright, *it is a part of that Liberty, which is purchased by Christ's Blood which the Church can no more alienate and dispose of, than she can transfer or dispose to another her Inheritance of the Kingdom of God, to the which this*

this Liberty is annexed: Now the Teſtimonies of theſe four Worthies is very conſiderable. 3*dly*, I ſay, if Elders were ſtrictly obliged to conſult their reſpective Quarters, to ask their Votes, and then to vote, not ſo much their own private Judgement, as according to the mind of the People in their Bounds, perhaps it might be ſaid, they gave their Vote in and by the Elderſhip: But to ſay the People conſents, and give their Suffrage in and by the Elderſhip, while, may be, the Elders Vote, and act directly contrair to their Inclination is as much as if the Parliament in the late Reign had declared for a *Popiſh Pretender*, and overturning Presbytery in *Scotland:* And upon their ſo doing, it ſhould been affirmed, that what the Parliament did was with the Peoples Conſent, becauſe it was done by their Repreſentatives. No doubt, when Congregations become Vacant, its the Duty of People to conſult and deliberate both with Heritors and Elders; and no doubt theſe have a deciſive Voice with others: But then they give not their Suffrage, *qua* Heritors, or Church Officers repreſenting the People, but as Members of the Society or Church in which they have their Reſidence; nor do I ſee how they can vote in any other Capacity. 'For Election is 'not an Act of Authority, but of Liberty and 'Power, wherein the whole Fraternity is equal-

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'ly concerned, as Doctor *Owen* ſays. And that the Election of Paſtors is not an Act of Authority is hinted to us by *Rutherford* in the 265 Page of his peaceable Plea for Presbytery, Profeſſor *Wood* aſſerts it in the plaineſt Terms; as hath been ſhown above; yea I ſee none of our Divines but they own or aſſert this.

OBJECT. VIII. The People have libeity to object againſt the Perſon elected; and if their Objections be of Weight, the Presbytery will hear them, and this may ſuffice. ANSW. *Firſt*, I ſee nothing in the Overture allowing them ſuch a Liberty: But further in the Words of the reverend Mr. *Gilleſpy*, I anſwer 2*dly*, 'If the People have no more but Liberty to 'object againſt the Perſon's Life and Doctrine, 'then they have no more but what Prelates aud 'Papiſts have yeilded to them. 3*dly*, It this be all that's allowed the Congregation, then it hath no more Privilege or Liberty, but what is common to Strangers, as well as to them: And I ſuppoſe tho' there were no conſiderable Number, but only two or three Perſons of known Integrity, and reputed honeſt Men; if they ſhould come from a neighbouring Congregation, or far diſtant place, and offer to prove the Perſon Elected to be guilty of preaching or teaching Error, or to be of a ſcandalous Walk, this would be enough to hinder the Settlement for ſome Time. But

4*thly*,

4*thly*, If People have no more but Liberty to object against the Life and Doctrine of the Person elected, being obliged to make good their Allegations, this is little more than nothing at all: For People may be very displeased with a Person, most unwilling to have him their Pastor, and their Aversation may be founded on very solid Grounds, while yet they are not able to prove him Guilty of teaching erroneous Doctrine, nor of a scandalous Walk: Both these may be, and they unable to prove the Charge, or neither of these may be, and he unqualified for the Work of the Gospel among them. 5*thly*, Tho' the Person chosen may be both *Orthodox* and of a blameless Walk, having competent Parts, and really Religious; yet all this is not enough, if the Lord's People desire a better they ought to have their free Choice. Mr. *Calderwood* confirms this Page 438 of his *altare damescenum* last Impression, where he expresseth them thus, when answering an Objection of this Nature. *Si quis dixerit patronum non quemlibet debere nominare, sed sacro munere dignum, ab Episcopo examinandum, quem rejicere potest Episcopus, si compertum fuerit non satis idoneum:* To which he answers, *At tollitur tamen libera electio dignioris, is eligendus est ex omni populo qui prestantior est, qui doctior, qui sanctior, qui in omni virtute eminentior, ut ait* Orig.

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OBJECT. IX. 'To talk of the neceſſity 'of the Peoples Suffrage to a Miniſter's Call 'is to charge the Miniſtry of the Church of '*Scotland*, with the Guilt of entring by the 'wrong Door; ſeeing few of them have been 'called by the Peoples Suffrage, and ſome 'have actually been thruſt in upon the People, 'much Oppoſition being made by the Body of 'Congregations.' Now to this I anſwer *1ſt*, It had been been better the Peoples Voices had actually been asked, and given in all Calls as in ſome it hath been. Yet *2dly*, I ſay that ſuch as have had the Peoples Conſent, being ready to give their Suffrage alſo in a formal Manner, had they been allowed, materially ſuch have had the Suffrages of the People: And where there hath been no oppoſition to a Miniſter's Settlement, that People may be ſaid to have given their Conſent; according to that received Maxim, *qui tacet conſentire videtur*. *3dly*, Whereas ſome have been thruſt in upon Congregations againſt their Will, and without their Conſent. *Firſt*, I ſay its much to be regrated, that any inſtance of this Kind can be given, where Miniſters have been thruſt in upon an honeſt People contrair their Inclinations. Yet *2dly*, I ſay its the Presbyterys Ordination, which makes Men Miniſters of the Goſpel, tho' its not enough to make them the Miniſters of ſuch a People as do oppoſe the Settlement.

tlement. *Rutherford* in his *Peaceable Plea* Page 265 ſays, 'Its Ordination which formally 'makes the Man a Miniſter, the Peoples Ele-'ction doth only appropriate the Man's Mi-'niſtry, to ſuch and ſuch a People.' And 3*dly*, With our Divines who write upon this Head; I ſay, that tho' a Perſon hath been thruſt in upon a People in an undue Manner, yet the Peoples after Acceptance, Approbation and Submiſſion to his Miniſtry, makes him a Paſtor to them, ſupplying the want of Election at firſt: As *Jacob*'s after Conſent and Acceptance of *Leah*, made her to be his Wife, tho' he was far from chuſing her at firſt. And 4*thly*, Tho' it be a Sin in Miniſters of the Goſpel, to ſettle any Miniſter contrair the Inclinations of a People; yet in my humble Opinion the People may ſubmit to the Miniſtry of ſuch without Sin, declaring their Non-Approbation of the Procedure, and teſtifying againſt the Manner of Settlement; yea Caſes may occur wherein it will be their Duty to ſubmit.

And now dear Brother, you have my poor Thoughts of theſe Overtures: Its truly pity the Subject is not handled by ſome able Pen: Without affected Humility I'm one of the moſt unfit to treat of this, or any ſuch Point; yet judging as we regard our Lord's Inſtitutions, the Succeſs of the Goſpel in our Mother Church, our own Peace and the credit of

the Kirk of *Scotland*, we ought to do our utmoſt to prevent the turning ſuch Overtures into ſtanding Acts; therefore if none be writing to this purpoſe, I leave theſe Papers to your diſpoſal, tho' ſhould they come to publick View, my Weakneſs, in handling the Truths I plead for, will eaſily appear to all. The ſhortneſs of Time, for conſidering the Subject may partly Apologize for the Blemiſhes of the Performance. There's nothing of party Buſineſs here, and I hope to be eaſy whatever Cenſure Men may put upon them, being perſwaded the Cauſe is his, who accepts of Mites, where Millions are his due, accepting the Cup of cold Water, the offering of Goats Hair and Rams Skins from ſuch as have no more to give. Here in a great Meaſure, I have been a Tranſcriber, from our Worthies, the true blew Friends of the Church of *Scotland*. My Reaſons for citing their Words ſo often were. *Firſt*, Becauſe I could not argue nor expreſs my ſelf ſo well as they do. 2*dly*, Becauſe I know their Aſſertions, Sayings and Arguments will be of far greater Weight than poſſibly mine could be. And 3*dly*, To ſhow I am far from being ſingular in any Thing I affirm. And 4*thly*, I have tranſcribed their Words at length, to let you ſee I'm far from impoſing upon you by half or broken Sentences: I hear you are choſen a Member of the enſuing General Aſſembly, where

where Matters of Importance will be under your Conſideration; as is particularly this of the Peoples Power in Calling their own Paſtors. This is a Concern of the laſt Conſequence to the Church of Chriſt; a capital Point as Mr. *Lawder* affirms; the Baſis and Foundation of the Miniſtry, as M. *Dalle* obſerves; Chriſt's Legacy to his Church, as Principal *Rule* aſſerts; a Point, on which the Succeſs of the Goſpel doth not a litle depend, as Mr. *Gilleſpy* hints; and therefore to be contended for.

That Heavens Conduct may be the Privilege of all the Members; that he who holds the Stars in his right Hand may keep from giving his Ark a wrong touch; that Chriſt, the ſole Head of the Church, may ſay of covenanted *Scotland*, this is my Reſt, and here I will ſtay; that he may make her Paſtors able Miniſters of the *New-Teſtament*; that he may revive his Work among us, heal all our Breaches, makes us one in himſelf, ſpiriting with true zeal for his Truths, writing Holineſs to the Lord, not only on all our Hearts, but on the very Bells of the Horſes, that we may yet be called *Hephzibah*, and our Land *Beulah*, the Lord delighting in us, our Land being married, is and through Grace, ſhall be the earneſt Prayer of him, who in all ſincerity is

D. B. Yours, *&c.*

1 JA 64